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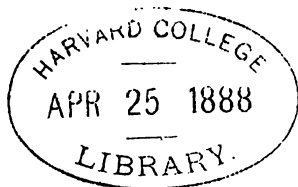
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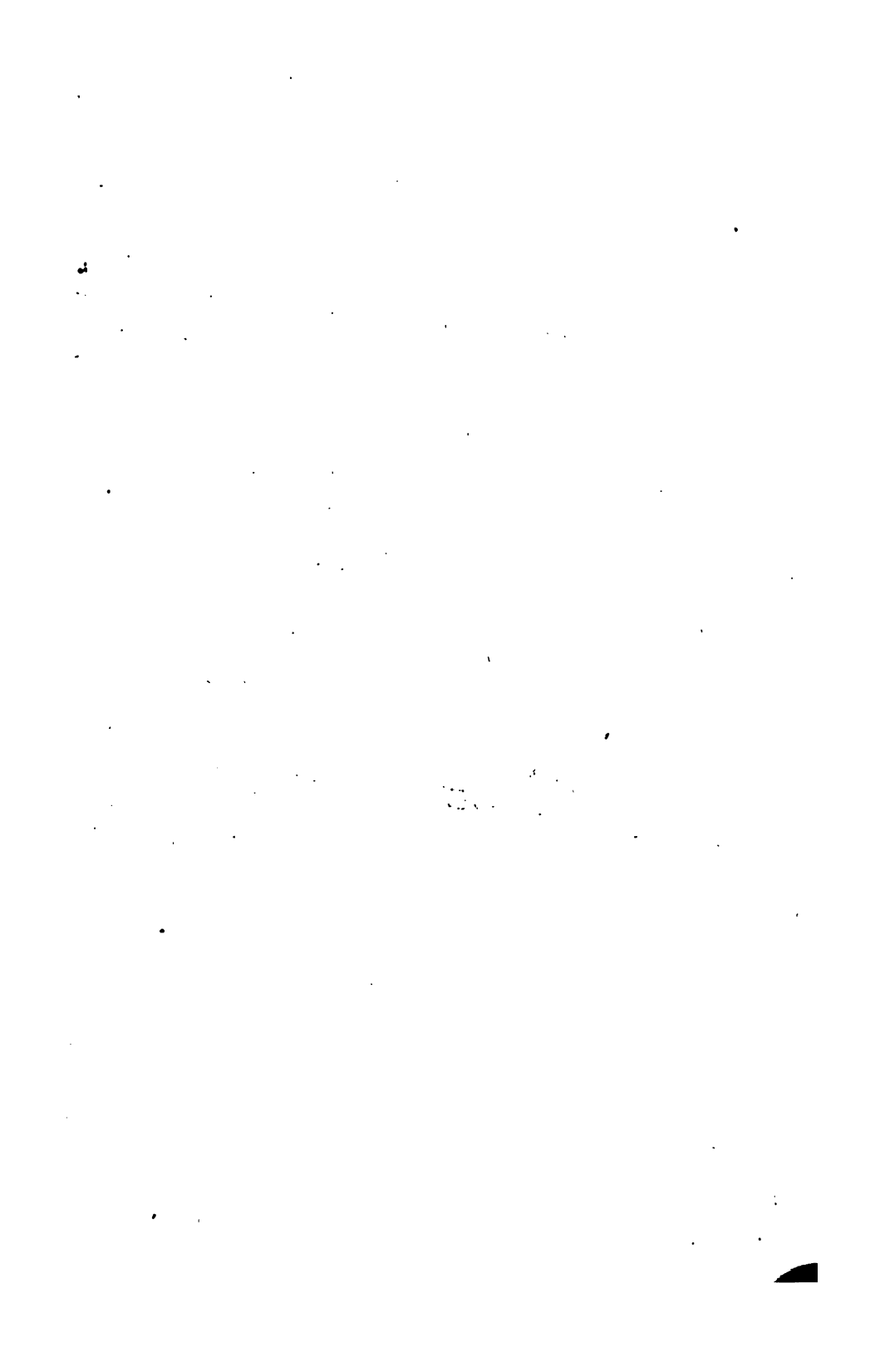
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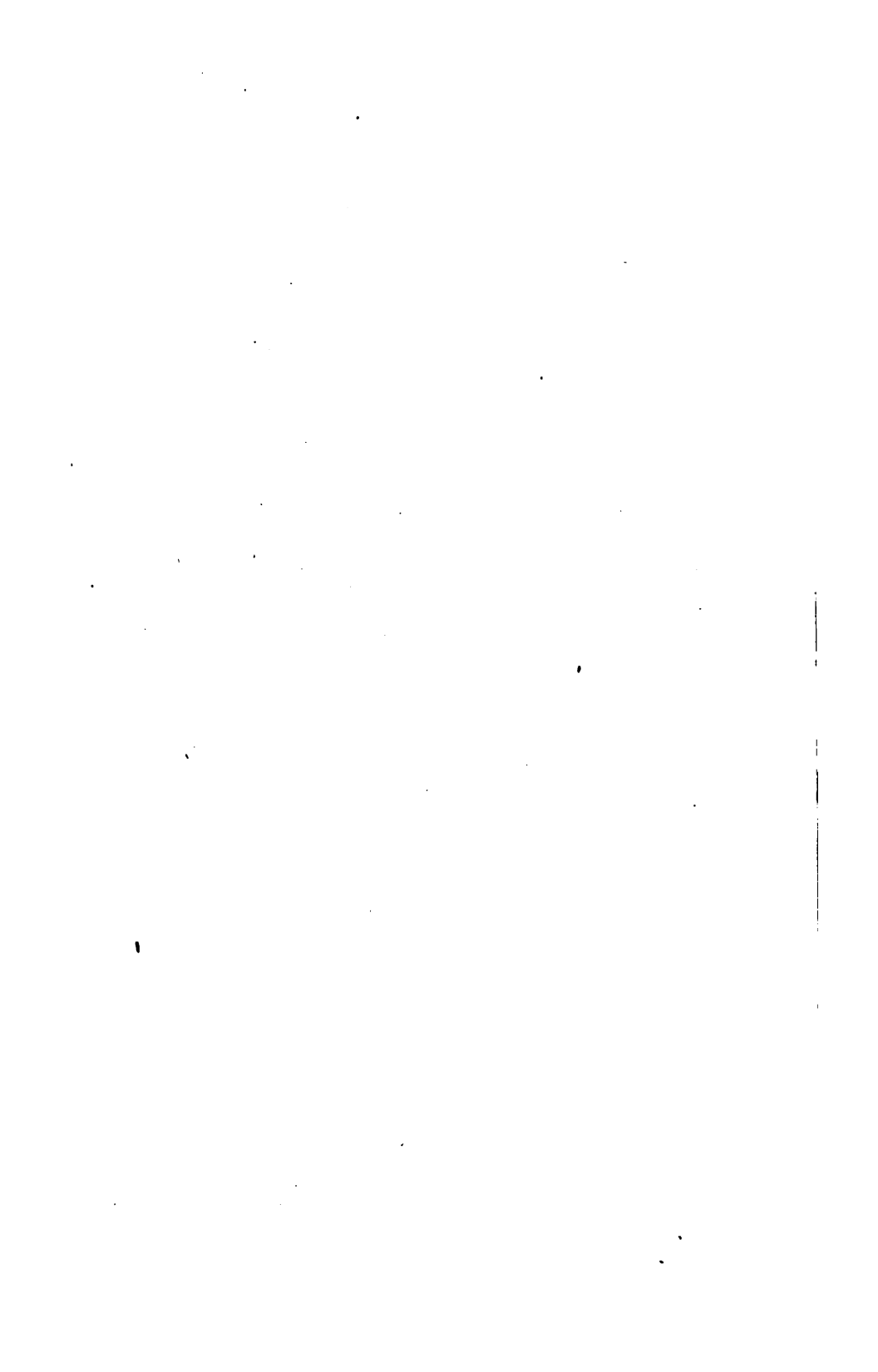
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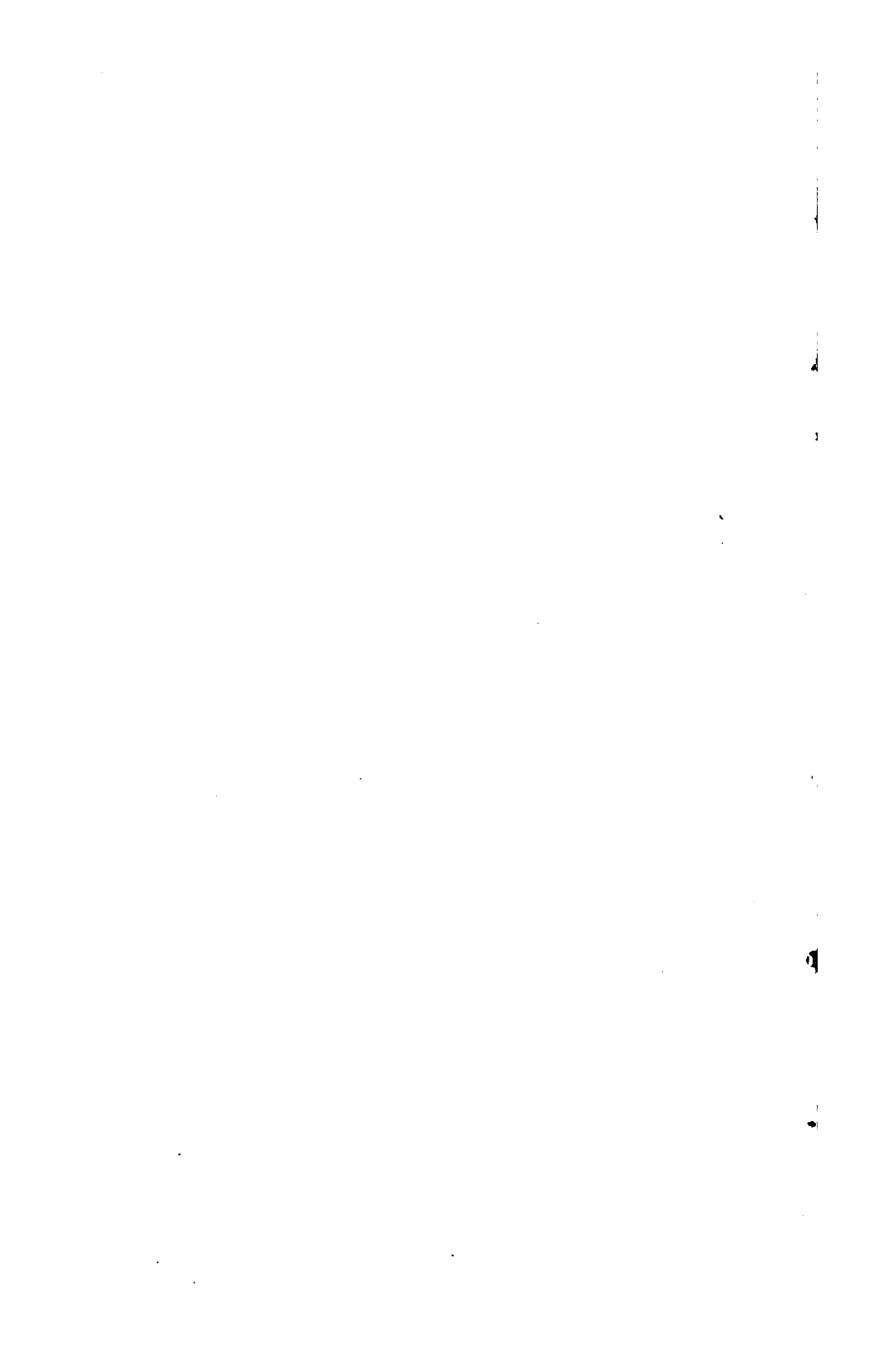
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THE
APOSTOLICAL JURISDICTION,
&c.



THE APOSTOLICAL
JURISDICTION AND SUCCESSION
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IN THE
BRITISH CHURCHES
VINDICATED

AGAINST THE OBJECTIONS OF DR. WISEMAN IN
THE DUBLIN REVIEW.

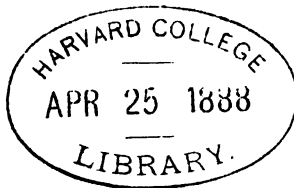
BY THE
REV. WILLIAM PALMER, M.A.
OF WORCESTER COLLEGE, OXFORD.

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ADVERTISEMENT.

IN the latter half of the past year, a popish association, assuming the appellation of "the Catholic Institute of Great Britain," commenced the publication of some tracts, entitled, "The High-Church Claims, or a Series of Papers on the Oxford controversy, on the High-Church theory of dogmatical authority, *Anglican claim to Apostolical succession*, &c. By Nicholas Wiseman, D.D." From a notice prefixed to this publication, it seems that the papers in question "appeared originally in the Dublin Review."

The two articles on "the Anglican Claim to Apostolical Succession," which form a portion of this series, and were published in the Dublin Review for 1838 and 1839, have recently engaged my attention: and, as they are written with a view to supply Romanists with arguments adapted to the present state of the controversy, it seemed advisable to direct immediate attention to their designs,

and to supply, as far as I could, an antidote to their errors.

Dr. Wiseman has devoted his attention to the theologians of Oxford in general, and especially to the "Tracts for the Times;" and has endeavoured to make their principles and conclusions available for his own purposes. He felt that their *general* tendency was not (as some have imagined) to establish the dominion and the superstitions of Rome, but to purify and invigorate the Church of England, and to edify the whole Catholic Church; and he has attempted, in this series of papers, to excite prejudice against sound and salutary principles, by fixing on them a character alien from the intention of their advocates in ancient and modern times. The learned and religious authors of the "Tracts for the Times" need no advocacy but their own: in the articles, however, which form the subject of the following pages, they are made the medium of so direct an attack upon the church of England in general, that I trust I may stand excused for interfering in a matter with which they are so immediately concerned.

Oxford, June, 1840.

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THE
APOSTOLICAL JURISDICTION,
&c.

SECTION I.

ROMISH OBJECTIONS TO OUR ORDINATIONS ACCOUNTED FOR—
OUTLINE OF DR. WISEMAN'S SYSTEM.

IT is no unusual stratagem of a weak cause, to attempt to withdraw attention from its own defects, by imputing the same or still greater deficiencies to others. From the effects of this detraction, even the best and most virtuous men are not exempt: indeed their very excellence renders them peculiarly liable to it; for jealousy and envy are ever most strongly excited by the view of superior goodness. This has been in all ages verified in the history of the Church. The first object of schismatics has always been, to calumniate the faithful disciples of Christ, to impute error to their doc-

trines, and to charge their priesthood with the guilt of ministering without any lawful call. The very sectaries whose own ministry has laboured under the most serious defects, have invariably assailed, with the utmost vehemence, that of the true Church; and employed misrepresentation, forgery, and calumny in this most unholy warfare.

The history of the African Church in the fourth century furnishes a remarkable illustration of this truth. When Cæcilianus had been legitimately ordained to the metropolitan see of Carthage by his comprovincial prelates; the bishops of the neighbouring province of Numidia, pretending that the ordination ought not to have taken place without their consent, assembled at Carthage, and schismatically ordained Majorinus to the see already occupied by Cæcilianus. The appointment of Majorinus, and of all the Donatist bishops ordained by him, was, of course, altogether unlawful; but the constant cry of the Donatists was, that their *opponents* had been irregularly ordained. Felix of Aptungus, who had consecrated Cæcilianus, was accused by them of having delivered up the sacred Scriptures to the heathen during the last persecution; and it was contended, that, under such circumstances, he was incapable of ordaining a bishop^a. Their accusation was supported by forge-

^a Augustin. Breviculum Collationis, Die iii. c. 14. tom. ix. Oper. col. 569. ed. Benedict. Optatus, De Schismate Donatistarum, lib. i. c. xix. xx. p. 18, 19. ed. Du Pin.

ries and falsehood^b. The Arians followed in the same course: while they themselves unscrupulously violated the canons of the church, by intruding bishops into sees which were already occupied, they assailed the ordinations of their orthodox opponents. One of the false accusations against the great Athanasius was, that he had been ordained "*privately*, and in an *obscure place*," by a few bishops, without the consent of the proper authorities^c.

There is unhappily but little difficulty in finding a parallel to such conduct in modern times. Objections have been advanced against the ordinations of our metropolitans and bishops, by schismatics in this country, who have as little right to the jurisdiction they usurp, as Majorinus had to the episcopal chair of Carthage. Foreign prelates have claimed the right of ordaining our metropolitans, with as little justice as the Numidian bishops claimed the ordination of the primate of Africa; and like them, too, hurried on by the impulse of pride and jealousy, have ordained bishops to churches which

^b Augustin. contra Cresconium, lib. iii. c. lxix. col. 475. tom. ix. lib. iv. c. vii. col. 488.

^c "Atque ita implacabiles sunt (Ariani) ut ejus etiam in episcopatum promotionem reprehendant: ac sese undique viro inimicos et infensos exhibeant; eo solum mendacia loquentes, ut eum suis calumniis infamem reddant. Sed ex his ipsis suis mendaciis, priora illa falsa atque conspirationem esse deprehenduntur. Aiunt enim: post obitum Alexandri episcopi, cum pauci quidam Athanasii mentionem facerent, sex aut septem episcopi, clam et in obscuro loco ipsum ordinarunt," &c.—Epist. Episc. Egypt. Athanasii Opera, t. i. p. 128. ed. Benedict.

were already full, and withdrawn misguided and sinful men from the obedience of their legitimate pastors ; from that chair of Peter, that centre of unity, which exists in the episcopate of every catholic church^d. Calumnies and falsehoods, too, have been poured forth against orthodox bishops by modern sectaries ; and the forgeries in relation to Felix of Aptungus have been paralleled by the disgraceful fable of the Nag's head. Fabrications of this sort have been always the resource and THE SIGN of error and schism.

It would be superfluous to do more than allude to the innumerable objections by which successive generations of papists^e, have assailed the ordinations of the catholic and apostolic church in England. From the hour when, through Divine mercy, the accession of Elizabeth terminated the exiles, the imprisonments, and the burnings of Mary's reign, and the church, no longer oppressed by false pastors, rejoiced in the

^d "God is one," said St. Cyprian, warning his people against the schismatical Bishop Felicissimus ; "Christ is one ; the church is one ; and the episcopal chair founded on Peter (*i.e.* first given to him) is one. To constitute another altar, or to create another priesthood, besides that one altar and one priesthood, is impossible. Whoever gathereth elsewhere, scattereth. Whatsoever is instituted by human passion, in violation of the Divine disposal, is adulterous, impious, sacrilegious." Cyprian. Epist. xl. ad plebem, p. 76. Oper. ed. Pamelii.

^e I offer no apology whatever, for the use of a term which I *designedly* employ for the purpose of marking the sectarian and schismatical character of the community alluded to. Truth should never be sacrificed to a hollow and contemptible courtesy.

possession of legitimate bishops; the disappointed persecutors of religion, exiled by their own evil passions, commenced a series of calumnies and misrepresentations against those who were, in other respects, secure against their malice, and laboured to render them odious in the eyes of Christendom. In the pages of Sanders, and of the tribe of Jesuits who assailed our churches, scarcely a particle of truth was to be found; and they furnished but too many practical illustrations of that principle of the Jesuits, which Pascal has so well exposed, "that it is lawful to *calumniate* an opponent^f."

Of course, one great theme of their argument was, the irregularity and invalidity of our ordinations. One contended, that our bishops had never received any imposition of hands; another, that they had only been ordained by presbyters, and that, too, in an ale-house; a third objected, that they were intruders into the sees of others; another denied, that they had been ordained with consent of the metropolitan; another hunted for invalidities in the form of ordination; another objected to the employment of any form but that of the Roman ordinal; another laboured to throw doubts on the consecration of the principal consecrator of Archbishop Parker^g. Yes:—it has always been the

^f Pascal, *Lettres Provinciales*, Let. xv.

^g See Courayer, *Défense de la Dissertation sur la validité des Ord. Angl.* t. i. p. 77, &c.; Mason, *De Ministerio Ang.* lib. i. c. 2.

fate of the true church to be thus vilified, thus calumniated, thus persecuted, by those who have separated from her communion.

But, in addition to the evil passions in which these proceedings originated, there was another motive,—the interests of “*the Mission*” (as it was called) in England and Ireland. Altars had been raised against our altars by the bishop of Rome ; intruding bishops had come to plant spiritual and temporal sedition in Ireland ; Jesuits and seminary priests had engaged in the same unhallowed work in England ; and no topic was found more useful, more accessible to popular comprehension, than the alleged nullity of our ordinations. Our people were wearied by the incessant cry of the schismatics, that there were such essential defects in the orders of our priesthood, that the Church of England was no true church ; that salvation could not be obtained in it ; that its members could have no saving faith ; that the sacraments could not be validly administered to us ; that our clergy were devoid of all authority ; that their spiritual acts were null and void ; and that they and their adherents were involved in the damnable sin of sacrilege^h. Such were the leading topics of popish argument during the seventeenth century ; and their importance may be estimated, from the storm of persecution which fell on a candid and learned

^h Lewgar, Erastus Senior, Preface.

priest of the Roman communion¹, who had ventured to defend, and irresistibly establish, the validity of our ordinations.

To Dr. Wiseman's zeal his party are indebted for arguments against our ordinations, which may lay claim to some degree of novelty, at least; and which, throwing aside the complicated and often-refuted theories of his predecessors, aim at simplifying the controversy, by showing that, even allowing the validity of our ordinations, and conceding a number of points which we contend for, there are still fatal objections to the apostolical character of our ministry.

The peculiar aspect of Anglo-Catholic theology in the present day has, for some time, been contemplated with a searching and an anxious eye by Dr. Wiseman. Amidst the apparent triumph with which he and his companions have hailed every expression of attachment to the principles and practice of antiquity, as so many concessions to Rome, there have been some misgivings, lest the revival of sound theological learning in the church might have certain effects on Romanism itself, which could not be contemplated without uneasiness. It has not escaped his notice, that controversy was likely to assume somewhat of a different tone, when theological studies were becoming more solid, the Fathers and Canons more studied, ecclesiastical

¹ Père Le Courayer, Canon regular of St. Gèneviève at Paris.

antiquity becoming open to view, and misquotation and imposture no longer possible. He has felt that, with the decline of a feeble and latitudinarian system, based only on ignorance, the strongest and most familiar arguments of Romanism have been rendered obsolete. Text-books and compendiums have become insufficient to the urgency of the occasion; and Dr. Wiseman steps forward in this emergency.

In the first of his articles on the "Tracts for the Times," which appeared in the Dublin Review for 1838, Dr. W. had reserved for future discussion "the *momentous* question how far the claim advanced by them (the Tracts) on behalf of the Anglican Church, to the rights and privileges of APOSTOLICAL SUCCESSION, is valid^k." In the article on which I am about to comment, he applies himself to this task with some degree of reluctance, but under an imperative feeling of necessity.

"Gladly," he says, "would we hold back from the discussion, till leisure and circumstances gave us opportunity for a more finished as well as more extensive examination of the foundations of the English church. We do not express these sentiments from any regret at the pledge we have given, nor from any desire to retreat from its obligation; for we felt when we gave it even as we do now. But we are urged on

^k Dublin Review, vol. v. p. 285, &c.

“ by a sense of duty ; and the pressure of that
“ feeling continues yet. *Not a moment's time, we*
“ *seriously believe, is to be lost in fixing the attention*
“ *of the Catholic mind, upon the true and novel posi-*
“ *tion of our controversy with the reviving ideas of*
“ *the old Protestant theology ;* and if we can only
“ point out the track, upon which bolder genius
“ and deeper research than ours *may follow up*
“ *the attack,* our duty as reviewers will have been
“ amply discharged. For the periodical press at-
“ tached to any great interest, should, we have
“ always judged, act the part of sentinels or watch-
“ men, giving notice of the *first appearance of*
“ *danger, and of the approach of a new foe,* to those
“ whose office it is to man the bulwarks and defend
“ the walls of their holy Sion¹.”

The subject of Dr. Wiseman's uneasiness is, the steady assertion of the rightful authority of our churches. “ The ‘ Tracts for the Times,’ ” he says, “ are *for ever* inculcating upon their readers the belief, that the Anglican Church possesses authority by apostolic descent ; ” and, after citing some passages in proof, he continues, “ Thus we see that at the very outset of their publication, the tract writers are careful to inculcate this idea of a succession from the apostles in the hierarchy of the Anglican Church, and of a *consequent obligation on the part of the laity to pay it submission* ”

¹ Dublin Review, vol. v. p. 285.

“*and obedience*”^m. This is undoubtedly true, and Dr. Wiseman has done much real, though unintentional service, to the learned authors of the Tracts in question, by thus clearly and emphatically describing the character of their principles. They certainly *do* urge the duty of the laity, (without any exception,) to pay all lawful submission and obedience to our bishops; and it is the magnitude of this claim, interfering as it does with the assumed authority of Dr. Wiseman and the other Romish priests, which excites his alarm.

Dr. W.’s arguments, as he informs us, are chiefly directed against those of the fifteenth number of “The Tracts for the Times”ⁿ. In this useful Tract, the apostolical succession of the ministry in England is briefly stated, and defended from a few leading objections. Such a subject could of course only be treated in a cursory manner within the compass of *six* pages: but it has drawn from Dr. Wiseman more than *ten* times the number in reply; and we have an intimation at the close of his labours, that the subject has not yet been exhausted, and that he intends to resume it on some future occasion^o.

In proceeding to controvert the claims above alluded to, Dr. Wiseman informs us, that it is his intention to discuss the question between the

^m Dublin Review, vol. v. p. 286.

ⁿ Ibid. p. 286.

^o Ibid. vol. vii. p. 180.

Romanists and our churches, independently of all inquiry into the *validity* of our ordinations. His reasons for this omission are, first, the controversies which have existed between different Romish writers as to the question of fact regarding the consecration of Archbishop Parker; secondly, the unavoidable length of the discussion; and “thirdly, the ground will be more completely cut away from under their feet, if we prove that, even granting them, for argument’s sake, that their ordinations are valid, or were at the beginning, still they have not, nor ever had, any part in the apostolical succession, but are a schismatical church in the fullest sense of the word, so that the works of their ministry are wholly unprofitable, and their jurisdiction none^p.”

It may conduce to clearness in considering Dr. Wiseman’s objections, to premise a general outline of the whole, after which we shall descend to the examination of each in detail. He commences, then, by distinguishing between *Orders* and *Jurisdiction*, and by proving that the possession of the former does not necessarily infer that of the latter; and he thence argues, that our writers are altogether mistaken, in supposing that a proof of the validity of our orders is sufficient to establish our possession of apostolical jurisdiction^q. He next proceeds to show, that appointments to sees

^p Dublin Review, vol. v. p. 287.

^q Ibid. p. 287—290.

made in violation of the canons actually in force in the church, confer no jurisdiction^r; and as the canons of the synods of Nice and Ephesus have been alleged by our writers, in proof that our ordinations are strictly canonical, he applies himself to the task of proving, that the canons in question have been abrogated by a contrary *custom*^s. Dr. W. then endeavours to establish the patriarchal jurisdiction of the papal see over our churches, by showing that, according to the principles of the ancient church, even *usurped* jurisdiction, however contrary to the canons, acquires a sacred and indissoluble authority by mere custom^t; after which he supposes the question between the English episcopacy and the bishop of Rome to have been referred to a general synod; and endeavours to prove, that, according to the principles acted on in such synods, a decree must have been pronounced, declaring the bishop of Rome to have a right of patriarchal jurisdiction over our churches, and pronouncing the metropolitans and bishops of England ordained without his consent, to be mere intruders, altogether devoid of apostolical jurisdiction, or of any right to the appellation of Christian bishops^u.

In a subsequent article, Dr. W. labours to trace an analogy between the Donatist schismatics and the British churches; to convict the

^r Dublin Review, vol. v. p. 290, 291.

^s Ibid. p. 291—293.

^t Ibid. p. 294—296.

^u Ibid. p. 296—305.

latter of schism by the same arguments which the Fathers employed against the former ; and thence to demonstrate that no Christian ministry can exist amongst us^v. Such is a brief and general outline of the system which we are now to examine more minutely.

SECTION II.

DR. WISEMAN DENIES THAT APOSTOLICAL JURISDICTION IS
TRANSMITTED TO BISHOPS BY LAWFUL CONSECRATION—HIS
OBJECTIONS CRITICIZED AND REFUTED.

It is the doctrine of our churches, that no man may presume to execute the office of a bishop, *i. e.* to exercise the various branches of episcopal power and jurisdiction, until, “by public prayer, with imposition of hands,” he be “approved and admitted thereunto by lawful authority^a ;” from which we naturally infer, that episcopal jurisdiction is conferred by ordination only. The form for consecrating bishops supposes from the commencement, that the power of governing the church is *then* given to the prelate ordained. Prayers are offered, that the servant of God then “called to the work and ministry of a bishop,” may faithfully serve God in this office, “to the edifying and well-governing of

^v Dublin Review, vol. vii. p. 139, &c.

^a Preface to English Ordinal.

his church." The archbishop, addressing the prelate elect, admonishes him that, according to the ancient canons, "we should not be hasty in *laying on hands*, and *admitting any person to government* in the church of Christ;" thus distinctly connecting the powers of jurisdiction with the imposition of hands. Promises are exacted from the elect prelate, that he will *teach, admonish, correct, and ordain* according to the word of God; thus still intimating that jurisdiction is about to be conferred on him. Imposition of hands follows, with prayer that he may be ever "ready to spread abroad the Gospel," and "use the *authority* given him." Several other exhortations and prayers follow, which plainly evince the belief of the church that the bishop ordained is from that moment invested with full and complete episcopal jurisdiction as well as order.

This doctrine has been generally maintained by our writers^b, and amongst the rest, by the authors of the "Tracts for the Times," on whom it has drawn the animadversions of Dr. Wiseman. In perfect harmony with the doctrines of the British churches, they have rested the apostolical succession and *jurisdiction* of our episcopacy, on the fact of its *uninterrupted descent from the apostles by ordination or the imposition of hands*. Dr. Wiseman, in the pursuance of his object of "completely

^b Andrewes, Resp. ad Card. Bellarmin. c. 8; Mason, de Ministerio Angl. p. 423.

cutting away the ground from under our feet," refers to the following passages from the "Tracts for the Times:"

"We have been born, not of blood, nor of the will of the flesh, nor of the will of man, but of God. The Lord Jesus Christ gave his Spirit to his apostles; they, in their turn, laid their hands upon those who should succeed them; and these again on others: and so the sacred gift has been handed down to our present bishops, who have appointed us their assistants, and, in some respects, their representatives."—No. i. p. 2.

"We, who believe in the Nicene Creed, must acknowledge it a high privilege that we belong to the apostolic church. How is it that most of us are, almost avowedly, so cold and indifferent in our thoughts of this privilege?... For many years we have been much in the habit of resting our claim on the general duties of submission to authority, of decency and order, of respecting precedents long established, instead of appealing to that warrant which marks us *exclusively* for God's AMBASSADORS."—No. iv. p. 1.

On these passages Dr. Wiseman comments thus:

"In the passages above quoted, and in all others which treat of this subject in our authors, it is assumed, that ordination or imposition of hands transmits at once apostolical jurisdiction. It is considered sufficient, to admit that the bishops of the establishment have been validly consecrated, to

“conclude thence that they are possessed of authority in their respective sees. Let the reader peruse the seventh Tract, where he will find the simple fact of succession in a see through *lawful* consecration, alleged as a sufficient ground for admitting the transmission of the apostolic succession^c.”

Certainly:—the Tracts are perfectly right in assuming, as the Church of England does, that lawful ordination to a see, transmits at once episcopal or apostolical jurisdiction. The consecration spoken of, is, be it remembered, a *lawful* ordination, performed by lawful authority, as Dr. W. himself admits. It is also an ordination to *some* see, as he also allows. And such an ordination, we maintain, conveys the apostolical succession and jurisdiction. Dr. Wiseman disputes this position: jurisdiction, according to him, is transmitted by something else;—by some “institution” or other;—probably by some form of nomination by the *Pope*^d. He will not hear of its being conveyed by ordination. We are, it seems, quite in error on this point.

But, with such sentiments, it is not easy to see how Dr. W. can make “ecclesiastical antiquity,” to which he appeals so confidently in refutation of

^c Dublin Review, vol. v. p. 287.

^d Dr. Wiseman (p. 298) applauds La Mennais' work, *Sur l'Institution des évêques*, which maintains the right of the Roman Pontiff, de jure Divino, to institute all bishops.

our principle, available to the proof of what he himself admits, *i. e.* that bishops do, *in some way*, receive apostolical jurisdiction. He cannot deny that a bishop lawfully ordained to a see, is, from that moment, actually and fully possessed of such a jurisdiction. The whole church has always acted on this principle. Bishops, as soon as they were ordained to their sees, were always considered to be fully possessed of all the powers of the episcopate, and responsible for their discharge. The thirty-sixth canon of that very ancient collection entitled the Apostolical Canons, decrees, "If any one who has been ordained bishop, doth not undertake the ministry and care of the people committed to him, he shall be excommunicated, until he undertakes it^e." This canon was afterwards renewed by the synod of Antioch^f, and received by the universal church. When St. Cyprian condemns Novatian, who had been ordained bishop of Rome, in opposition to Cornelius, his argument is founded on the assumption, that Cornelius *by ordination* had been already legitimately invested with the episco-

^e Εἰ τις χειροτονηθεὶς ἐπίσκοπος, μὴ καταδέχοιτο τὴν λειτουργίαν καὶ τὴν φροντίδα τοῦ λαοῦ τὴν ἐγχειρισθείσαν αὐτῷ, τοῦτον ἀφωρισμένον τυγχάνειν. Can. xxxvi. Beveregii Synod. t. i. p. 24.

^f Εἰ τις ἐπίσκοπος χειροθεσίαν ἐπισκόπου λαβὼν, καὶ ὀρίσθεις προεστάναι λαοῦ, μὴ καταδέξοιτο τὴν λειτουργίαν, μηδὲ πείθοιτο ἀπύναι εἰς τὴν ἐγχειρισθείσαν αὐτῷ ἐκκλησίαν, τοῦτον εἶναι ἀκοινῶνητον, ἕς τ' ἀν ἀναγκασθεὶς καταδέξοιτο κ. τ. λ. Can. xvii. Beveregii Synod. t. i. p. 447.

pal office in Rome. He denies that "one who, *after a bishop has been constituted in the Church by sixteen bishops,*" ambitiously endeavours to usurp the episcopal office, is a bishop ^g.

Jurisdiction then, according to the primitive church, must have been either conferred *in* ordination, or *before* it. Let us consider what occurred *before* ordination. When a see became vacant by the death of its bishop, a successor was elected by the clergy and people, and his claim to ordination thus commenced: but was a prelate *merely elect*, and not consecrated, entitled to *exercise jurisdiction*? Certainly not. Such a thing was unheard of in the primitive church ^h, and it remains prohibited by the canon law, even of the Roman church,

^g "Nisi si episcopus tibi videtur, qui episcopo in ecclesia a sedecim cœpiscopis facto, adulter atque extraneus episcopus fieri a desertoribus per ambitionem nititur."—Cyp. Ep. lii. p. 101. Oper. ed. Pamelii.

^h Van Espen says, "What now obtains by virtue of the Decretals, *i. e.* that a person elected to be bishop, is, after the papal confirmation, held to be the *true pastor* of a church, and may exercise all the points of *jurisdiction*, as if he were a bishop, is, beyond doubt, contrary to the discipline of the primitive church, and to the primary end of the institution of the episcopate: and it appears, that for at least ten centuries, it was a thing unknown for any one to be called bishop, or exercise episcopal jurisdiction, before he was ordained a bishop."—Jus Eccl. Univ. pars I. tit. xiv. c. 5. sec. 6. The Presbytery or Chapter during the vacancy of a see, have always exercised jurisdiction: it is probable that the jurisdiction now exercised by a bishop previously to his consecration, is only that of the Presbytery, transferred to him for the sake of convenience.

to the present day¹. Dr. W. therefore cannot maintain that jurisdiction is transmitted by *election*. But, according to the discipline of the church for more than a thousand years, election was immediately followed by ordination or consecration^k: there was no other confirmation of a prelate elect, except his consecration¹. Dr. W. does not allow that jurisdiction was conveyed by the latter; therefore he leaves himself without the power of pointing out *any mode* by which apostolical jurisdiction can be conveyed to a bishop.

This is an inconvenience which our Author seems to have overlooked, in his ardour to “cut away the ground from under our feet.” It may remind him, perhaps, as it reminds us, of the words of the Psalmist, “Foderunt ante faciem meam foveam ;

ⁱ See Decretal. Gregorii IX. lib. i. tit. 6. cap. 17; Van Espen, *Jus Ecclesiasticum Universum*, pars I. tit. xiv. cap. 5. An exception was made by Innocent III. in the *thirteenth* century in favour of some of the remote dioceses.

^k Van Espen ubi supra; Bingham, *Antiquities of the Christian Church*, b. iv. c. vi.

^l “Pristina disciplina, quæ faciliè per decem sæcula inconcussa permansit, confirmationem episcoporum ab eorum consecratione vix sejunxit; sed episcopus electus à metropolitano et comprovincialibus examinatus, uno eodemque quasi actu et tempore consecratur et confirmatur; sive potius *ordinando confirmabant*; neque ante ordinationem Prælati aut episcopus dicebatur, nisi ad summum cum additamento, *Electus*.”—Van Espen, *Jus Eccl. Univ.* p. i. t. xiv. c. iv. art. i. See also Thomasinus, *Vet. et Nov. Ecclesiæ Disciplina*, pars ii. lib. ii. cap. xlii. art. 7, 8. De Marca, *De Concordia Sacerdotii et Imperii*, lib. vi. c. iii. art. viii.

et *inciderunt in eam*^m.” What has been said, however, affords a clear and irrefragable argument in proof of the truth of our doctrine. Jurisdiction, according to the primitive church, is not given by election : it is possessed immediately after ordination : therefore it must be given in ordination, because nothing else intervened between election and ordination.

We will next appeal to an authority which Dr. W. cannot fail to respect ; I mean, that of the Roman church itself in primitive times. That church, in the fifth century, prayed thus at the consecration of bishops.—“ Let their feet be beautiful to *preach* peace, to preach good tidings. . . *Grant* them, O Lord, the *keys* of the kingdom of heaven : let them use, without boasting, *the power* which Thou bestowest for edification, not for destruction. Whatsoever they *bind* on earth, may it be bound in heaven : whatsoever they *loose* on earth, be it loosed in heaven : whosoever *sins they retain*, may they be retained ; and whosoever sins they remit, do Thou remit. . . *Grant* them, O Lord, the episcopal seat, to *rule* thy Church and all thy peopleⁿ.”

^m “They have digged a pit before me, into the midst whereof they are fallen themselves.”—Psalm lvii. 6.

ⁿ “Sint speciosi, munere tuo, pedes horum ad evangelizandum pacem, ad evangelizandum bona tua. . . Da eis, Domine, claves regni cœlorum : utantur nec glorientur potestate quam tribuis in ædificationem, non in destructionem. Quodcunque ligaverint super terram, sit ligatum et in cœlis : et quodcunque solverint super

In this office, then, the Roman church most distinctly prayed that the prelate elect might *receive* the power of episcopal jurisdiction; and consequently she believed that he had not *already* received it, *i. e.* had not received it *before* consecration; and as the Roman church has certainly always believed, and acted on the belief, that a bishop immediately on his consecration to a see, is possessed of jurisdiction, she must have believed that jurisdiction was transmitted in consecration itself, as we do.

In the ancient form of consecrating a bishop according to the Roman church, published by Muratori, as a part of the Sacramentary of Pope Gregory the Great°, we find throughout, that consecration alone was supposed to confer episcopal or apostolical jurisdiction. When the prelate elect was presented to the Pope for consecration, he was still only acknowledged as “a presbyter^p.” An epistle was then read from the clergy and people of the vacant church to the Pope, stating that they had elected such a one for their pastor, and that they request the Pope to ordain him, “*in order that*, by

terram, sit solum et in cœlis. Quodcunque retinuerint peccata, detenta sint: et quorum dimiserint, tu dimittas... Tribuas eis, Domine, cathedram episcopalem ad regendam ecclesiam tuam et plebem universam.”—Gelasii Sacramentarium (Consecratio Episcoporum). Muratori, Liturgia Romana Vetus, tom. i. col. 625, 626. See also the Leonian Sacramentary, *ibid.* col. 423.

° Muratori, Liturgia Rom. Vet. t. ii. col. 431, &c.

p “Quo honore fungitur?... Presbyteratûs.”—*Ibid.* col. 431.

the *authority of the Lord*, he may, as a fit pastor, *preside over* and be profitable to us, and that we, under his sacred *government*, may ever be the soldiers of the Lord ^a". Here jurisdiction is supposed to depend entirely on consecration, and this too by Divine authority. The actual consecration follows, in which occur the very same prayers already cited, that the prelate elect may *receive* the powers of jurisdiction; and after their completion, the Pope presents the pastoral staff to the new bishop, with the following words, acknowledging him to be then invested with the power of jurisdiction:—"Receive the staff of the pastoral office: be piously severe in *correcting vices*, holding *judgment* without wrath," &c.^r: and on delivering the Gospel he adds, "Receive the Gospel, and go, preach to the *people committed unto thee* ^s." Thus again recognising the jurisdiction of the new bishop. After this, the pope delivers an exhortation to the bishop, reminding him of his duties in ordaining, preaching to the people, the pastoral care, exercise of discipline, and all other branches of the episcopal jurisdiction, distinctly supposing throughout, that *by consecration*, he is now fully invested with all these powers, and responsible for their discharge^t. Such was the doctrine and the practice of the Roman

^a "Quatenus, auctore Domino, nobis vel idoneus Pastor præesse valeat et prodesse, nosque sub sacro ejus regimine, Domino semper militare possimus." Ibid. col. 432.

^r Ibid. col. 442.

^s Ibid.

^t Ibid. col. 443—447.

church in ancient times ; and such the forms which remain, with little alteration, to the present day^u. They clearly establish our position, that episcopal jurisdiction is conveyed by lawful ordination to a see ; and Dr. W., in assailing this position, is so hurried on by the impulse of his zeal, as to forget, that he is in reality condemning the ancient practice of the Roman church herself, and even her present form of ordaining bishops. We might appeal to the ancient forms of episcopal ordination in the Greek^v and Oriental churches^w for further proof ; but what has been already said, will suffice to establish our position, for the present, against Dr. Wiseman.

Dr. W., in attempting to refute our doctrine, has taken a great deal of needless trouble, in distinguishing between ordination and jurisdiction, and adducing a variety of examples to prove that the one may exist without the other ; that deprived bishops,—bishops who have resigned their sees, or have no sees,—are devoid of episcopal jurisdiction, while they still retain episcopal ordination. All this is quite superfluous, and has nothing to do with the question ; for surely Dr. W. does not mean to argue, that because bishops may *lose* their jurisdiction, therefore they do not *receive* it by consecration ; or that because bishops ordained *without sees* have

^u Vide Pontificale Romanum, Consecratio Episcoporum.

^v Martene De Antiquis Ecclesiæ Rit. t. ii. p. 99.

^w Ibid. p. 113.

no jurisdiction, therefore bishops *lawfully ordained to sees* do not receive jurisdiction by ordination. The very supposition is scarcely consistent with courtesy; and we must, therefore, be content with saying, that all Dr. W.'s distinctions and examples have nothing to do with the question, but are obviously directed against a position very different from ours.

Let us, however, attend to what Dr. W. has said, however irrelevant it may be to the question before us, and endeavour to gain some notion of his accuracy of argument and statement.

"The distinction between ordination and jurisdiction," says Dr. W. "is so clearly expressed in "ancient ecclesiastical regulations, that men as "clearly conversant in them as the Oxford divines "cannot have overlooked it. For we read of "bishops *acknowledged as such*, who yet were not "allowed to exercise any act of episcopal authority, "not even to ordain. The council of Ephesus "mentions bishops, who had no churches nor any "settled see; it calls them ἀπόλιδες, σχολάζοντες, "καὶ ἐκκλησίας μὴ ἔχοντες *".

Let us here pause for a moment. The reference to the synod of Ephesus is rather unfortunate, if the object be to prove that the bishops in question were "acknowledged as such;" for the very decree cited speaks of them only as ἐπισκόπων ἔχόντων

* Dublin Review, vol. v. p. 288.

ὄνομα—"aving the name of bishops?"—thus evidently not acknowledging them to be real bishops.

"When Eustathius metropolitan of Pamphylia had renounced his bishopric, and another had been elected in his place, it was referred to the same synod what was to be done with him; and the fathers decided as follows:—'We define it to be right and proper, that without any contradiction, he retain the name and honour and communion of a bishop; but on condition that he neither have the authority of ordaining, nor offer up sacrifice in any church by his own right,' &c. . . . Sozomen mentions 'Barses and Eulogius (monks), who afterwards were both bishops, not of any city, but for honour only, consecrated in their monastery to reward their good actions. In which manner,' he adds, 'Lazarus, of whom I have spoken above, was also a bishop.'"—H. E. lib. vi. c. 34².

Thomassinus intimates some doubts as to the correctness of the fact with reference to Barses and Eulogius, as here stated by Sozomen². Admitting, however, that they were ordained bishops in monasteries, it does not follow that they were merely titular bishops, without any jurisdiction, or mission. They were probably ordained to exercise the offices of the episcopate in their own monasteries. We have instances of such monastic bishops being or-

¹ In relat. ad Cælestin. Labbe, Conc. t. iii. col. 664.

² Dublin Review, ubi supra.

³ Thomassinus, Vet. et Nov. Eccl. Discipl. pt. i. l. iii. c. xiii. s. 19.

dained in later ages, in the monasteries of St. Martin near Tours and St. Denis near Paris^b; and they cannot be regarded as altogether devoid of jurisdiction. Had they been ordained without any such title, the ancient church would not have acknowledged them to be bishops. Thus the bishops of France, in the reign of Charlemagne, declared that the chorepiscopi “were not bishops, since they had not been ordained to the title of any episcopal see,^c” &c.

“It is no doubt true,” continues Dr. W., “that in general, the church did not approve of the appointment of bishops without a see—a practice condemned by the council of Sardica. Still they were allowed to be bishops void of jurisdiction^d.”

I profess myself unable to discover that any regulation such as Dr. W. speaks of, was made in the synod of Sardica. It certainly does not appear among the canons of that council^e, and was unknown to Christianus Lupus^f, Van Espen^g,

^b *Acta Sanctorum Ordinis Benedict. Sæculo viii. in Præf. p. xx. xxi.* Several other instances in the Eastern church are mentioned by Christianus Lupus, *Schol. in Can. vi. Synod. Chalcedon. t. i. p. 542.* ed. Bruxellis, 1673.

^c *Sirmond, Concilia Galliæ, t. ii. p. 241.*

^d *Dublin Review, ubi supra.*

^e *Beveregii Synodicon, t. i. p. 482, &c.*

^f *Christianus Lupus, Synodorum Gen. ac Provinc. Decreta, Scholia in Can. vi. Syn. Chalcedon. t. i. p. 537, &c.*

^g *Van Espen, Jus Eccl. Universum, pars I. tit. i. cap. 4; Scholia in Can. Chalcedon. vi. Oper. t. vii. p. 190.*

Fleury^h, and Natalis Alexanderⁱ. The council of *Chalcedon* indeed (canon vi.) prohibited, in general, all ordinations without a title^j; and the same regulation was renewed by the emperor Charlemagne, and by the synod of Frankfort^k.

“In the conference of Carthage (collatio Carthaginensis) Petilianus the Donatist calls such bishops phantoms (imagines), as opposed to real bishops (cardinales et authenticos episcopos). Ad calcem Oper. S. Optati, p. 277. ed. Du Pin^l.”

It would seem that Petilianus, at all events, did not acknowledge such bishops to be real bishops: therefore this cannot afford Dr. W. much assistance. But the truth is, that the bishops of the Catholics alluded to by Petilianus were not without sees. The Donatists complained of the multiplication of sees in villages by the Catholics^m, and the only reason for which they called some of the Catholic bishops “phantoms,” was, because, as they boasted, the people of those dioceses had become Dona-

^h Fleury, *Histoire Ecclésiastique*, liv. xii. § 37, 38.

ⁱ Natalis Alexander, *Hist. Eccl. sæc. iv. c. iii. § 13, 14.*

^j Beveregii *Synodicon*, t. i. p. 118.

^k *Capitulare Aquisgranense* can. 25. Sirmond, *Concilia Gallicæ*, t. ii. p. 140; *Synodus Francoford.* c. 28. p. 198.

^l *Dublin Review*, ubi supra.

^m *Collat. Carthaginensis*, c. 117. p. 261. ad calcem Oper. S. Optati, ed. Du Pin.

tistsⁿ; not because any of their opponents had been ordained *sine titulo*.

“ The thirty-seventh canon of the Trullan synod
 “ allowed bishops whose sees were in the hands of
 “ barbarians or others, and therefore inaccessible, to
 “ ordain and discharge all other episcopal functions.
 “ In commenting upon this canon, Zonaras observes,
 “ that there were other bishops who out of mere
 “ sloth and love of ease would not reside, nor un-
 “ dergo the episcopal burden, yet retained the
 “ honour and character of bishops^o. ”

Most undoubtedly Zonaras, in his comment on this canon, says nothing of the kind^p. *Balsamon* indeed *cites* an edict of the Emperor Alexius Comnenus, in which it is said that some abbots and monks, when elected to sees which were in the power of the barbarians, were *afraid* to undertake the exercise of the episcopal office amongst barbarians; but, so far from any censure attaching to them, they were permitted, by that edict, to remain in their monasteries^q. It would seem, however, that when Dr. W. referred to the comment of Zonaras on the synod *in Trullo*, he was thinking of his comment on the synod of *Ephesus*, and the case of

ⁿ Collat. Carthaginensis, c. 182. p. 279; Bingham, Antiquities, b. ii. c. 12. § 3.

^o Dublin Review, *ubi supra*.

^p Zonaras, apud Beveregii Synodicon, t. i. p. 200.

^q Balsamon, *ibid*.

Eustathius, where some such expressions may be found^r.

It may be observed in conclusion, that the bishops alluded to in the preceding passage, were not merely titular bishops, or bishops without sees or jurisdiction. They were only unable or unwilling to visit their dioceses.

“The cases of Meletius and of the Donatist bishops confirm the same point of ancient ecclesiastical doctrine. Of the latter, we shall have to mention the case later. The former is as follows :—Meletius bishop of Lycopolis, deposed by St. Peter of Alexandria, went from place to place, consecrating bishops, under pretence that he was *Vicar to the patriarch of Antioch*. The council of Nicea took cognizance of the matter. It acknowledged the validity of the imposition of hands, but denied jurisdiction or place in the apostolical succession to such as had thus received it. It, however, sanctioned that upon the death of any legitimate bishop, one of those consecrated by Meletius might succeed, provided he were chosen by the people, and found qualified and approved by the patriarch of Alexandria ; in other words, if to the valid but illegal consecration, the institution required by the ecclesiastical law were added^r.”

^r Beveregii Synod. t. i. p. 109, 110. Dr. W. seems to have been misled by too implicitly following Thomassinus.

On this passage I would offer two observations. First, the statement that Meletius acted under the pretence that he was "Vicar to the patriarch of *Antioch*," is certainly new to us. The original authorities on the subject of the Meletian schism make no mention of it. It is not referred to in the epistle of the bishops of Egypt to Meletius, published by Maffei ^a; nor by Athanasius ^t, Epiphanius ^u, Socrates ^v, Sozomen or Theodoret ^w. It appears to have been unknown to Baronius ^x, Natalis Alexander ^y, Fleury ^z, Christianus Lupus ^a, Tillemont ^b, Beverege ^c, Bingham ^d, and Routh ^e. It seems not very credible too, that Meletius should have pretended to act as vicar of the patriarch of *Antioch*, when it is remembered that his ordina-

^a Routh, *Reliquiæ Sacræ*, t. iii. p. 381.

^t Athanasii *Apologia contra Arianos*, Oper. t. i. p. 177. ed. Montfaucon.

^u Epiphaniî *Hæres.* lxviii.

^v Socrates, *Hist. Eccl.* lib. i. c. 6.

^w Sozomen, *Hist. Eccl.* lib. i. c. 15, 24; Theodoret. *H. E.* lib. i. c. 9.

^x Baronii *Hist. Eccl.* ad an. 306.

^y Natalis Alexander, *Hist. Eccl. sæculum iv. c. iii. art. ii.*

^z Fleury, *Hist. Eccl.* liv. viii. § 24. liv. xi. § 15.

^a Christianus Lupus, *Synod. Schol. in Can. vi. Syn. Chalced.* t. i. p. 537—541.

^b Tillemont, *Histoire Ecclésiastique*, t. v. p. 453.

^c Beveregii *Synod.* t. ii. p. 113.

^d Bingham, *Antiq.* b. iv. c. 6. § 2, 3.

^e Routh, *Reliquiæ Sacræ*, t. iii. p. 390, &c.

tions were almost entirely confined to Egypt^f, where the patriarch of *Alexandria* possessed the supreme jurisdiction, and where the patriarch of Antioch could not have had a shadow of a right to perform ordinations. We must therefore regard this statement of Dr. W. as apocryphal.

Secondly, Dr. W's assertion that the council of Nicea "*acknowledged the validity of the imposition of hands*" in the case of the Meletians, is contrary to the fact; for the council only allowed the Meletian bishops to minister, after they had been "confirmed by a more holy *ordination*^g," that is, after they had received imposition of hands from the patriarch of Alexandria; thus actually rejecting their former ordination, and considering it to be of no force.

I need not dwell on Dr. W.'s reference to the eighth canon of the synod of Nice, which treats of the Novatians, "and which enacts, that—when "one of the bishops returns (to the church) "the *Catholic* bishop shall retain his authority, and "the other either retain the *title*, though exercising "the functions of simple presbyter; or should the "bishop not approve of having him with him, he

^f This may be collected from the fact, that the epistle of the synod of Nice, on the subject of the Meletians, is addressed only to the bishops of Egypt. See Labbe, Concilia, t. ii. col. 251.

^g Τοὺς δὲ ὑπ' αὐτοῦ κατασταθέντας, μυστικωτέρᾳ χειροτονίᾳ βεβαιωθέντας κοινωνῆσαι ἐπὶ τοῦτοις, ἐφ' ᾧτε ἔχειν μὲν αὐτοὺς τὴν τιμὴν καὶ λειτουργίαν. Socr. Hist. Eccl. lib. i. c. 9.

“ must provide for him a place as Chorepiscopus or “ as priest. But two bishops must not be in one “ city^h. ” In this canon the episcopal character of the Novatian bishops is not recognised : they are not, under any circumstances, authorized to act as bishops ; they are merely allowed to retain the *title* of bishops. This will not aid Dr. W. in proving that they were acknowledged as real bishops.

Dr. W. does not supply us with any evidence of his next statement, “ that, on the other hand, episcopal jurisdiction was exercised by simple presbyters in former times, when deputed by proper “ authority, though, of course, they did not ordain “ nor perform other offices requiring the episcopal “ character.” When evidence of this is produced, we shall be ready to examine it.

Dr. W. concludes this portion of his argument in the following triumphant strain :

“ What we have said is amply sufficient to prove “ that the reasoning of the new divines is com- “ *pletely false*, when they go about to persuade men “ that if these bishops were truly consecrated by “ imposition of hands, they became inheritors of “ apostolical jurisdictionⁱ. ”

Dr. W. is mistaken : it only shows that he has himself misconceived or misrepresented their argument.

^h Dublin Review, vol. v. p. 288.

ⁱ Ibid. p. 289.

In contending that apostolical jurisdiction has been received by our bishops through the medium of ordination, the church of England and her theologians have always supposed our ordinations to be *lawful* ordinations, and ordinations *to sees*. Dr. W. has only attempted to meet this position, by showing that bishops *without sees*, or bishops *schismatically* ordained, have no jurisdiction. If our author means to argue from this, that bishops *lawfully ordained to sees* do not receive jurisdiction by their ordination, the charge of employing "completely false reasoning," would seem not inapplicable to himself. Let us hear his next observations.

"For in all the instances above given, and in others that will come under discussion, there was no question about the validity of the episcopal consecration, or the absolute power of the consecrators to confer orders; yet still it was denied to those consecrated by them to exercise any acts of power, except by the accession of some new sanction ^k."

The inaccuracy of this assertion has been already demonstrated; for it has been shown, that in almost all the instances adduced by Dr. W., either the episcopal character was considered dubious or null, or else the bishops were not devoid of jurisdiction.

^k Dublin Review, p. 289.

“The tract-writers constantly mix up the power
 “of validly consecrating the eucharist with that
 “of instructing or governing, (No. xv. p. 2; No.
 “iv. p. 2.) which is quite at variance with ancient
 “doctrine and practice.”

The tract-writers do no more than the Roman Church herself does in the form of consecrating bishops, where, immediately before consecration, the office of a bishop is thus described: “*Episcopum oportet judicare, interpretare, consecrare, confirmare, et ordinare, offerre, et baptizare*¹.” This is perfectly the doctrine of the ancient church, which held that a bishop is not only invested with a superior jurisdiction, but with a peculiar power of teaching and administering the sacraments, so that in most churches, in primitive times, the offices of baptizing, celebrating the eucharist, and preaching, were reserved to the bishop entirely^m. I believe it would put even Dr. Wiseman’s learning to rather a

¹ “A bishop must *judge, interpret, consecrate, confirm, ordain, offer* (the eucharist), and baptize.” *Pontificale Romanum, Consecratio Episcopi*. See also Muratori, *Liturgia Romana Vetus*, t. ii. col. 438.

^m Public teaching and the administration of the sacraments were always reserved to the bishop in the primitive church, except in cases of necessity. (See Bingham, *Antiquities of the Christian Church*, b. ii. c. 3.) In the Greek church this was carried so far, that Balsamon says, the scriptures were never explained to the people, when the see of Constantinople was vacant. (See *Beveregii Synodicon*, t. i. p. 178.) So important a part of the episcopal office was *preaching* considered, that the councils of Sardica

difficult test, to call for the production of any case in primitive antiquity, where the validity of the eucharist, when administered by a priest entirely devoid of jurisdiction, and who consequently acted schismatically, was allowed.

We now come to the application of all that has been said, to the case of our churches.

“Supposing, therefore, that Barlow and the
“others consecrated Parker, and that all was
“validly done as to matter of form, it does not
“follow that he, or those who became seized of
“other episcopal sees in England and Ireland, and
“received a similar consecration, were the lawful
“holders thereof, or the legitimate successors of
“the first bishops. It may be a case like that of

(canon ii.) and Trullo (canon xx.) forbade one bishop to remain for any time in the city of another, lest, by frequent preaching, he might bring his less learned brother into contempt. *Baptism* was considered so peculiarly the office of the bishop, that, according to Tertullian and Jerome, presbyters had no right to baptize without the bishop's order (Bingham, b. ii. c. iii. § 4): and in the sixth century, the clergy of Italy complained to Justinian, that owing to the *vacancy of sees* “an immense multitude of people died without baptism” (Christianus Lupus, Synod. t. i. p. 855). Even so late as the time of Hincmar (the ninth century), baptisms were still performed by the bishop, and they alone were considered canonical. (See Christianus Lupus, *ubi supra*.) Thomassinus shows that several other offices of the ministry were reserved to bishops (Vet. et Nov. Eccl. Discipl. pars I. lib. ii. c. 21); and especially, that in the fifth century, the presbyters of Rome did not consecrate the eucharist in their respective churches, but it was sent to them from the principal church. *Ibid*.

“ the Meletian bishops, or others of which we shall “ speak ”.”

Dr. W. is well aware that we do not contend that *unlawful* consecrations transmit the apostolical jurisdiction. He has himself above allowed, that we only contend for its transmission by *lawful* ordinations *to sees*. We do not admit his supposition here to be supported by *fact*: if we did, we should be as ready to condemn our ordinations as Dr. W. himself is.

SECTION III.

DR. WISEMAN'S SECOND POSITION, “ THAT THE APOSTOLICAL SUCCESSION BECOMES VITIATED BY UNCANONICAL ORDINATIONS,” HOW FAR CONDUCTIVE TO HIS OBJECT.

It has been sufficiently shown, I trust, that Dr. Wiseman's reasoning does not in any degree affect our position, that the bishops of England and Ireland, being lawfully consecrated to their sees, have apostolical jurisdiction and succession. We are now to accompany him to another point.

“ Our second inquiry is, ‘ What will vitiate the “ episcopacy of a see, a province, or kingdom, so as “ to cut it off from all participation in the rights of “ apostolical succession and jurisdiction? ” We “ have seen the case of the Novatians treated in the

ⁿ Dublin Review, vol. v. p. 290.

“eighth canon of Nicæa, and the decree regarding them is extremely valuable, as *embodying principles acted upon most rigidly in the ancient church.*” “From it we are necessarily led to the conclusion, that any appointment made to a bishopric even by valid consecration, which is at variance with the *canons actually in force* in the church, is unlawful, and leaves the bishop so appointed void of all jurisdiction and power; so that he is a usurper if he take possession of a see.”

“Novatian himself was without doubt validly consecrated by three real bishops; who are said by St. Cornelius to have performed the ceremony while in a state of intoxication, and not aware of what they were about. He then set himself up against Pope Cornelius, whose ordination he denied, and claimed the see of Rome. But all his acts were considered invalid, and the fathers go so far as to declare that his episcopacy was null, and that he was not consecrated. [The council of Alexandria, anno 339, says, he is no bishop. Labbe, t. ii. col. 542 ^a.] “St. Pacian, however, draws the exact line of distinction, when he calls him ‘sine consecratione legitima episcopum factum, adeoque nec factum.’—Epist. ii. ad Sympronium. The bare fact, therefore, of his being duly consecrated a bishop was not sufficient, because he had not been lawfully constituted such. The

^a I have transferred the passage within brackets from Dr. W.’s note, for the sake of convenience.

“council of Nicea made the following canon :—
 “‘This is generally manifest, that if any one shall
 “have been made bishop without the consent of his
 “metropolitan, the General Council defines that
 “he ought to be no bishop.’ Pope Innocent I.
 “renewed the decree of Pope Siricius, ‘ut extra
 “conscientiam metropolitani episcopi nullus audeat
 “ordinare episcopum.’ St. Leo the Great writes
 “more explicitly, that such are not to be consi-
 “dered bishops, ‘who are neither chosen by the
 “clergy, nor desired by the people, nor consecrated
 “by the bishops of the province with authority of
 “the metropolitan.’ And Pope Hilarius, speaking
 “of the consecration of Mamertus contrary to the
 “canons, leaves it, after severe reproof, to the
 “metropolitan to decide whether or no he shall
 “act as bishop^b.”

Dr. W. is much mistaken if he supposes that we undertake the defence of ordinations, unsanctioned by the canons actually in force in the church. We are ready to prove that the bishops of England and Ireland are, and always have been, canonically and lawfully ordained. It is only on this assumption, that we claim for them the right of apostolical jurisdiction. We do not object, therefore, to the conclusion drawn by Dr. W. from these instances, in which, however, I must notice one or two inaccuracies. The council of Alexandria, as referred to by Dr. W., makes no allusion to the case of Nova-

^b Dublin Review, p. 290, 291.

tian : it refers to the case of Eusebius an Arian, who is spoken of as “ a man who perhaps had never been appointed a bishop^c.” The decrees of Innocent and Siricius do not prove that uncanonical ordinations confer *no jurisdiction* ; and are therefore insufficient for Dr. W.’s purpose. With reference to the case of Mamertus, one would suppose from Dr. W.’s expressions, that Mamertus himself had been uncanonically ordained, whereas it appears from the place referred to,^d that the only fault imputed to him, was his having, as metropolitan of Vienne, ordained a bishop for the church of Die, which the Roman pontiff had declared subject to the metropolitan of Arles. The ordination of this bishop of Die was left to the judgment of the metropolitan ; but that of Mamertus was not called in question. We however accept with readiness the principles involved in Dr. W.’s conclusion.

“ In these and other instances, as Bolgeni remarks, there is no question of removing or depositing, but such bishops were not supposed to have ever possessed any jurisdiction from the beginning, and consequently were not considered to be partakers of the apostolical authority transmitted by legitimate succession. Nor is this a mere inference of others or his, but is borne out by the

^c Labbe, Concilia, t. ii. col. 542.

^d Epist. xi. P. Hilar. ap. Labbe, Concilia, t. iv. col. 1046.

“express testimony of ancient fathers, who clearly
“state that such *nullity of episcopal nomination*
“was the necessary consequence of the *violation of*
“*the canons in force*. St. Leo, referring to the
“Nicene canons, says, ‘*infirmum atque irritum*
“*erit, quidquid a prædictorum Patrum canonibus*
“*discreparit*’.”

We shall presently see how far the principle of St. Leo is consistent with that of Dr. Wiseman. It is certainly rather surprising to hear the latter dwelling in this place on the obligation of the *canons*; considering the principles which he develops a little further on. We must, however, add one or two observations to those of our Author. It may be remarked then, that all the cases above cited, refer only to *transgressions* of the canons in force by *particular bishops*: they show that the church, or its ordinary authorities, have vindicated the obligation of the canons, against the usurpations, the turbulence, or the ambition of one or more individual bishops. But they do not affect cases in which national churches, with the authority of synods, and with the sanction of sovereigns, *abrogate customs which have grown up in opposition to the canons*. The church has always condemned the excesses of individuals, but she has never intended to tie up her own hands, so as to prevent the *reformation of abuses by competent authority*.

* Dublin Review, p. 291.

When therefore we admit, as we do most unequivocally, that ordinations performed "in violation of the canons *in force*," confer no jurisdiction, we do not mean that *uncanonical customs abrogated* by lawful authority are to be included amongst such canons; but we do maintain that canons of general discipline, based on the word of God, neglected for a time, but afterwards put in force by competent authority, cannot be excluded from the number of such canons. To apply this more particularly, I mean, that the more recent custom, which, contrary to the canons of Nice and Ephesus, gave the Roman pontiff the power of appointing or confirming bishops in these realms, having been rightly abrogated in the time of Henry VIII., there was no longer any obligation to obtain his confirmation of our episcopal elections; and the ancient canons prohibiting his interference in such matters, having been again put in force, it was uncanonical to assume, or to concede such a jurisdiction; and all appointments made in virtue of it, at any subsequent period, were null and void *ab initio*; so that, to use Dr. W.'s words, bishops so appointed cannot be "supposed to have ever possessed any jurisdiction from the beginning."

The principle then laid down by Dr. W. in this place is, when properly understood and applied, one which will be found most efficacious in establishing the apostolical jurisdiction of our episcopacy, and in subverting that of our opponents.

SECTION IV.

THE AUTHORITY OF THE EIGHTH CANON OF EPHEBUS, ESTABLISHING THE LIBERTIES OF PARTICULAR CHURCHES, VINDICATED AGAINST DR. W.—HIS DILEMMA DISSOLVED.

One might have expected, from the language employed by Dr. W. in the passage last cited, and in which the “violation of the canons” is represented as so grievous an offence, that the authority of those very canons would have been upheld, and that the sentiment of St. Leo, which is quoted with so much apparent approbation, would not have been directly contradicted by the line of reasoning subsequently adopted. One would have supposed, that the canons were to furnish the very basis of Dr. W.’s argument, and that his *opponents* alone would dispute their authority. Yet, strange to say, we find Dr. W. immediately after these complimentary expressions with reference to the canons, engaged, not in alleging them in his own favour, but in attempting to subvert their authority, and to establish on their ruins, *admitted* usurpations and abuses, contrary to the canons. In short, it appears that we allege and claim the canons, as testifying in our favour against Romanists, and Dr. W. is, thus early, compelled to act on the defensive, and endeavour to elude the authorities which we direct against him.

“An important question meets us here, and one “which the reasoning of the ‘Tracts for the Times’

“ throws in our way. Do the canons, the infringement of which invalidates, as far as jurisdiction goes, episcopal consecration, form a *fixed code* ? Or, in other words, was it only the violation of the Nicene decree that produced this effect, or *the simple departure from the rules in force at any given time, such rules being variable* ? We say that the ‘Tracts for the Times’ oblige us to discuss this question here, though, perhaps, prematurely: for to *vindicate* the English church from the accusation of schism, it quotes a decree of the council at Ephesus, which, having secured the liberty of the Church of Cyprus from the usurpation of the Antiochian patriarch, generalizes its principles, and orders, that the rights of every province should be preserved pure and inviolate, which have always belonged to it, according to the usage which has always obtained ^a.”

Reference is next made to the argument of the Tract; “that the decree is passed for all provinces in all future times,” and that “the church goes by fixed laws;” and then Dr. Wiseman attempts to place us in a dilemma, as follows:—

“ First, we would ask him (the author of the Tract), for it is more his affair than ours, Does he or his church hold that this decree is unalterable, or that the church which made that canon may not vary its discipline at different times? If he

^a Dublin Review, vol. v. p. 291.

“allow that it may, then does this decree, securing
“to each province in perpetuity whatever rights it
“then possessed, prove nothing^b.”

This objection comes with a very bad grace from an author who has just quoted with approbation the words of Pope Leo with reference to the Nicene canons, “infirmum atque irritum erit, quidquid a prædictorum Patrum canonibus discreparit.” Has not St. Leo in these words, and in many other passages, most distinctly maintained that the Nicene canons are unalterable, and that the church cannot relax their obligation? And what distinction can be drawn between the authority of the synods of Nice and Ephesus, which were equally œcumenical? But I proceed to reply to Dr. Wiseman’s question.

The Catholic Church, then, never had, and never could have, the power to abrogate this decree of the synod of Ephesus;—and for this reason. *The decree is based on the great and irrefragable principles of Christianity itself.* It is no changeable regulation, relating merely to discipline, rites, or temporary expediency, which the church might easily change at any time for good and sufficient reasons; or which might be abrogated by mere disuse; or which is not binding on particular churches. Many of the regulations in the ancient canons are of this changeable nature. But there are others which

^b Dublin Review, vol. v. p. 292.

are of a far higher and more sacred character, either directly taken from the word of God, or else so closely connected with, and based upon it, that their obligation can never cease, and not even the Catholic Church itself can abrogate them. Of this description is the decree of Ephesus now before us.

The principles of this canon are, first, the restraint of a spirit of *usurpation* altogether opposed to Christianity; secondly, the *preservation of Christian liberty*:—let us attend to its words. After the decree establishing the right of the Cyprian prelates to consecrate bishops in that island, without let or hinderance from the patriarch of Antioch, who had endeavoured to usurp the power, it proceeds thus:—

“ The same thing also shall be observed in the
“ other dioceses and provinces *everywhere*, that no
“ one of the bishops, beloved of God, take another
“ province, which has not previously and from the
“ beginning been under his hand (in ordination), or
“ those of his predecessors; but if any one should
“ have taken it, or have caused it to be subject to
“ him by compulsion, he shall restore it; that the
“ canons of the fathers be not transgressed, nor
“ the pride of worldly power be introduced under
“ the cloak of the priesthood; nor we by imper-
“ ceptible degrees lose that liberty, with which
“ our Lord Jesus Christ, the Deliverer of man-
“ kind, hath gifted us, through his own blood.

“ Wherefore, it has seemed good to this holy oecumenical council, that the rights of every province should be preserved pure and inviolate, which have always belonged to it, according to the usage which has ever obtained, each metropolitan having full power to act according to all just precedents in security. And should any rule be adduced repugnant to this decree, it is hereby repealed^c. ”

The object here is, to repress a spirit of worldly ambition altogether inconsistent with Christian humility and charity. The holy fathers had before their eyes the commands of our Saviour: “ Ye know that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them. But it shall not be so among you: but whosoever will be great among you, let him be your minister; and whosoever will be chief among you, let him be your servant^d. ” They remembered, that “ if any one desire to be first, the same shall be last of all and servant of all^e; ” and that, “ he that exalteth himself shall be abased, and he that humbleth himself shall be exalted^f. ” They regarded the words of St. Peter to the presbyters, “ neither as being lords over God’s heritage, but being ensamples to the flock^g; ” and his exhortation to all Christians, “ be subject

^c Beveregii Synodicon, t. i. p. 104.

^d Matt. xx. 25—27.

^f Luke xiv. 11.

^e Mark ix. 35.

^g 1 Pet. v. 3.

one to another, and be clothed with humility: for God resisteth the proud, and giveth grace to the humble^h." They knew, therefore, that a spirit of ambition, a desire of power, an assumption or usurpation of jurisdiction, was altogether opposed to the law of Christ; and they felt themselves bound to vindicate the authority of that law. "A Catholic," said St. Leo to Anatolius of Constantinople, "a Catholic, and especially a priest of the Lord, as he should not be involved in any error, so he ought not to be seized by any cupidity; for when holy Scripture saith, 'go not after thy desires, and abstain from thy will,' we must resist many allurements, many worldly vanities, in order that the perfection of real temperance may be retained, the first blemish of which is *pride*, that beginning of transgression and origin of sin; for a mind desirous of *power* knows not how to abstain from what is forbidden, nor to enjoy what is allowedⁱ."—"If 'Charity seeketh not her own,'

^h 1 Pet. v. 5.

ⁱ "Virum enim Catholicum, et præcipue Domini sacerdotem, sicut nullo errore implicari, ita nulla oportet cupiditate violari. Dicente quippe Scriptura sancta, 'Post concupiscentias tuas non eas, et a voluntate tua avertere' (Eccl. xviii.), multis mundi hujus illecebris, multis vanitatibus resistendum est, ut veræ continentiae obtineatur integritas, cujus prima est labes superbia, initium transgressionis et origo peccati, quoniam mens potentiae avida nec abstinere novit a vetitis, nec gaudere concessis." Leo, Epist. ad Anatol. Labbe, Conc. t. iv. col. 843.

how much doth that man sin who desires what belongs to another^k!"

It was in order to repress usurpations thus entirely inconsistent with the principles of Christianity, that the council of Ephesus made this decree; and being based on such an authority, it can never cease to be obligatory on the church. The decree, in fact, recognises and establishes a great point of Christian morality. It was directed against *usurpations*; that is, against the assumption of power and jurisdiction, which had not been conferred by those who had the right to do so. Where power is conferred by legitimate authority, for good reasons, and conceded freely by those over whom it is to be exercised, the case is altogether different: for example, the jurisdiction of metropolitans and patriarchs over their respective provinces, sanctioned by the canons, was not based on usurpation or encroachment; it arose simply from motives of expedience or conveniency, and from the free choice of churches. But the Catholic Church never authorized any usurpations of jurisdiction: she always invariably acted on the same sacred principles; and though she may have been occasionally obliged to *tolerate* some infractions of

^k "Unde si Caritas non quaerit propria, quantum peccat qui concupiscat aliena!" Leo, Epist. ad Anatol. Labbe, Conc. t. iv. col. 846.

them, she has never approved or sanctioned such deviations from the gospel of Christ.

We have seen one marked instance of this holy resolution in the decree of Ephesus, repressing the usurpations of the patriarch of Antioch; but innumerable instances of the same character may be noticed in the annals of the church. Let us take the case of the African church in the time of St. Augustin. In the early part of the fifth century, Zozimus and Cælestinus, bishops of Rome, unhappily forgetful of the rights of other churches, endeavoured to grasp the privilege of *receiving appeals* from the decisions of the African bishops; and as pride, to use the words of Leo, is “the beginning of transgression,” it is not wonderful that this usurpation led to the sacrifice of truth. Zozimus, knowing that the African church felt the deepest reverence for the canons of the Nicene synod, did not scruple to allege the seventh canon of *Sardica* as one of the Nicene canons¹, and thus attempted to deceive the simplicity of the African prelates into an admission of his claim. The synod of African bishops assembled, and having professed their willingness to submit to the genuine canons of the synod of Nice, and being under the influence of a most truly Christian humility and charity,

¹ Labbe, Concilia, t. ii. col. 1590; Beveregii Synodicon, t. i. p. 510. See also Du Pin, De Antiqua Ecclesiæ Disciplina, diss. ii. p. 174, &c.

they immediately established *ad interim* the privilege claimed by Zozimus, but took measures to obtain from the East authentic copies of the canons^m. When they arrived, the canon alleged by Zozimus was, of course, found wanting; and the attempt of the Roman see entirely failed for a time. It was, however, renewed soon after by Cælestinus, who again interfered with the liberties of the African church, by receiving an appeal from its decision, and sending his legate into Africa to restore Apiarius, who was the appellant. The African church now, however, *resisted* this usurpation, and wrote to Cælestinus, requesting him in future to receive no more appeals from the clergy of Africa, "inasmuch as the African church has never been deprived of this (right of judgment) by any definition of the fathers, and the Nicene canons have most plainly committed the clergy of the inferior and superior order, as well as bishops themselves, to the metropolitans..... We find," they continue, "that it was not ordained by any synod of the fathers, that any persons (legates) should be sent by thy holiness. Send not thy clergy to any persons who may seek for them: do not concede it: lest we should seem to introduce the cloudy *arrogance*, that is, *the pride, ambition, and state of the world*, into the church of Christ, which sets before those who desire to 'see God,'

^m Beveregii Synod. t. i. p. 512. Du Pin, ubi supra.

the 'light' of *simplicity*, and the 'day' of *humility*^a." How truly Christian are such sentiments! — and how entirely exempt from the spirit of pride or disobedience were these venerable fathers in the assertion of their Christian liberties! Their only motive was the glory of God, and the purity and well-being of His church.

Let us notice a few other examples of the same principles and feelings in the early church. One of the formal *accusations* against St. Chrysostom in the synod "Ad Quercum" was, that "he had invaded the provinces of others, and ordained bishops there^o." It is true that this accusation was dictated by malice: still it shows that usurpation was considered a crime in that age. When Eustathius of Berytus (a see subject to the metropolitan of Tyre) had obtained from the Emperor Theodosius a rescript, constituting Berytus the metropolis of a temporal province, and had afterwards succeeded in obtaining from a synod at Constantinople a division of the ecclesiastical province of Tyre, and had compelled the metropolitan Photius

^a "Nam ut aliqui tanquam à sanctitatis tuæ latere mittantur, nullâ invenimus patrum synodo constitutum... Executores etiam clericos vestros quibusque petentibus nolite mittere, nolite concedere, ne fumosum typhum, hoc est, fastum, ambitionem, et superbiam sæculi, in ecclesiam Christi, quæ lucem simplicitatis et humilitatis diem, Deum videre cupientibus, præfert, videamur inducere." Epistola Concil. Africani ad Papam Cælestinum, Labbe Concilia, tom. ii. col. 1675, 1676.

^o Labbe, Concilia, t. ii. col. 1327, 1328.

to submit to this arrangement by threats of excommunication and of deposition, the œcumenical synod of Chalcedon repressed this act of usurpation, even though sanctioned by a synod, and restored the metropolitan of Tyre to the full enjoyment of his rights^p. Pope Leo most severely reproved Hilary, bishop of Arles, because, in violation of the rights of the metropolitans, he had assumed the ordinations of bishops in several provinces of Gaul, although this privilege had several years before been given by Pope Zozimus to the see of Arles. Leo desired that, as a penalty for this usurpation, Hilary should not in future take part in any ordination^q. Juvenal, bishop of Jerusalem, was censured by the same pope, for his "insolent daring," his "cupidity," and "unlawful endeavours," in assuming jurisdiction over the province of Palestine^r; and Anatolius of Constantinople was equally subjected to his reproofs, for taking the dioceses of Asia and Pontus, although it had become customary for the patriarchs of Constantinople to ordain the metropolitans of those dioceses, and the privilege had been lately established by the decree of the œcumenical synod of Chalcedon.

I have felt it necessary to dwell at some length on this point, because Dr. Wiseman seems to have entirely overlooked the unchristian character of the

^p Labbe, tom. iv. col. 539, &c.

^q Leo, epist. x. al. 89. t. i. Oper. p. 428—433, ed. Quesnel.

^r Epist. lxii. al. 92. ad Maximum Antioch. Ib. p. 622.

offence, against which this decree of the synod of Ephesus is directed. To him it appears a mere question of changeable discipline; a point which the church may at any moment concede. Nay, he is of opinion, that *usurpations* thus contrary to Christianity, thus condemned by all the fathers, become sanctified by mere continuance, and prevail over the canons which prohibit them. We hold, on the contrary, that the church is bound by the law of Christ, to repress usurpations; that this obligation can never cease; that the canon of Ephesus is, therefore, unchangeable; that all usurpations have, since its enactment, been uncanonical, as well as sinful; that the retention of such usurped jurisdiction, unlawfully acquired, was wrong; and that it was an *abuse* which the church was bound to remove. Let this suffice for a reply to the first part of Dr. W.'s dilemma. The second part is as follows:—

“ If he maintain against us, as he seems to do, that the church goes by *fixed laws*, and that no circumstance can sanction a variation from them, then we call upon him to be consistent, and take in the same invariable sense other canons of councils respecting bishops. Thus the general council of Nicea, in its fifteenth canon, expressly enacts, that ‘ no bishop, priest, or deacon be translated from one city or see to another;’ and that ‘ if, after the definition of this holy and great synod, any one shall attempt to

“ make such translation, it shall be considered null
“ and void, and the person must be restored to the
“ church for which he was originally ordained bishop,
“ priest, or deacon.’ Does the Anglican church
“ stand by this canon?...Yet in it we find the
“ very qualification, on which the author lays so
“ much stress in that of Ephesus, that it regards
“ the future; and as the church is governed by
“ *fixed laws*, they hold as yet: and, moreover, this
“ canon was renewed and enforced by the council
“ of Chalcedon in its fifth canon. In like manner,
“ the sixteenth canon of Nicea forbids the clergy
“ to abandon their churches, that is, not to reside;
“ and the seventeenth orders the deposition of all
“ such as place their money at interest. Does the
“ English hierarchy admit either of these canons
“ to be binding?”

I reply, first, that we fully admit that the strictness of the canons may be dispensed with, either in a case of necessity, or for the convenience of the church, and the advantage of religion: but there is one exception;—the church can never dispense with those canons which are based on the law of Christ. Secondly, we do not hold the fifteenth canon of Nice to be of the same nature as that of the Ephesine decree; inasmuch as the translation of bishops need not involve any sanction of what is evil, or any transgression of the law of God; and

many canons have permitted translations when the interests of religion required them^t. This canon, however, is so far in force in the church of England, that if any bishop should leave his church and translate himself to another without the sanction of the proper ecclesiastical authority, his translation would be to all effects null and void. In like manner, the sixteenth canon of Nice is so far still in force, that any clergyman, non-resident without licence or dispensation from the proper authority, is liable to ecclesiastical censures. As to the seventeenth canon, which forbids *usury*, Dr. W. himself will hardly pretend that a canon which is based on the law of Christ is no longer binding^u. But it remains for him to prove, that the reception of interest for money is, in all cases, *usury*^v.

But, in order to close the door at once against further cavils of the same kind, I would observe, that even the most sacred principles of the canons may sometimes have been neglected through ignorance, (as in the case of St. Augustine, who was

^t E. g. The fourteenth apostolical canon, Beveregii Synod. t. i. p. 8, where see the annotations of Balsamon: the oecumenical council of Constantinople; see Sozomen, H. E. lib. vii. c. 9: the fourth council of Carthage, canon 27, and Pope Pelagius II.; see Beverege, tom. ii. p. 23; and Thomasinus, t. ii. p. ii. t. 60—64.

^u "Do good and lend, hoping for nothing again." Luke iv. 35.

^v See Van Espen, *Dissertatio de Usurâ*, Oper. tom. vii. p. xiv. &c.

ordained bishop of Hippo as coadjutor to Valerius, contrary to the eighth canon of the Nicene synod,) or overborne for a time by error, superstition, or force. Abuses, inconsistent with the sanctity and purity of Christian discipline, may, for a time, have too widely prevailed; and the church may not always be able to restore the canons to their full force and exercise. Thus, for instance, this very decree of Ephesus was for ages neglected, and overborne by superstitions and force. Nevertheless, it cannot be denied, that the restoration of the canons, and the removal of abuses, are always to be desired, and, where possible, to be promoted. Abuses and corruptions do not change their nature by mere continuance; and if the church cannot always remove those which have become inveterate, she is still bound to do so when and where she can. The synod of France, in the time of Pepin, speaking with commendation of that monarch's zeal for the restoration of the canons, says, "And although he hath not the power to do so *entirely*, yet he desires that some part of what is known to be very contrary to the church of God, should be corrected. And if peaceful times and quiet opportunity be afforded him by God, he desires entirely according to the sacred canons, to preserve them better, more perfectly and completely for the future, through the assistance of Divine grace". Even

^w "Gloriosissimus atque Deo religiosus illuster vir Pippinus rex Francorum universos penè Galliarum episcopos aggregari

the synod of Trent itself allows, that the canons cannot always be enforced: "So hard and difficult is the condition of the present times, that neither to all, nor every where, can a remedy be applied as the council would desire^x." The only obligation that we contend for, in reference to the decree of Ephesus, is, that the church was always bound, when possible, to put it in operation, and to remove the abuses which it prohibited.

Dr. W.'s dilemma is, I trust, now sufficiently dissolved.

SECTION V.

USURPED JURISDICTION UNSANCTIONED BY THE SYNOD OF CHALCEDON—DR. W.'S PRETENCES TO THE CONTRARY REPUTED BY THE SYNOD ITSELF; BY THE LEGATES OF POPE LEO; AND BY LEO AND GELASIUS.—INCONSISTENCY OF DR. W.'S ARGUMENT.

IN the preceding section, we have seen Dr. Wiseman, notwithstanding his profession of respect

fecit ad concilium Verno palatio publico, recuperare aliquantisper cupiens instituta canonica. Et quia facultas modò non suppetit ad integrum, tamen aliqua ex parte vult esse correctum, quod ecclesiæ Dei valde cognoscitur esse contrarium. Et si tempora serena, spatiaque tranquilla divinitus fuerint ei collata, cupit ad plenum secundum sanctos canones, plenius opitulante divina gratia, melius, perfectius, integreque inantea conservare." Concilium Vernense, an. 755, Præfat. Sirmond. Concilia Galliæ, t. ii. p. 28.

^x "Verum adeo dura difficilisque est præsentium temporum

for the canons, labouring to undermine their authority, and to prove that even the most sacred discipline of the church is perfectly variable. We are now to encounter some positions still more extraordinary; at least, to any one who is, in the slightest degree, acquainted with the principles and practice of the primitive church. We are informed that oecumenical synods, casting aside all consideration of the sacred canons, sanctioned and established *usurpations* and *abuses*; and thus permitting uncanonical and unjust customs to prevail over the laws of the church, stultified and virtually annulled their own canons. Such are the conclusions which are closely and indissolubly connected with Dr. W.'s arguments from the synods of Chalcedon and Ephesus.

His object is to prove that, even admitting that the Roman pontiff's jurisdiction over our churches was originally an usurpation, it had become so sanctioned by mere continuance, that the church of England had no right to remove it. In the pursuance of this design Dr. W. argues as follows:—

“One versed in antiquity,” he says, “could hardly have been ignorant, that even such usurpations as the council of Ephesus condemns, may become so established as to pass into laws,

conditio, ut nec statim omnibus, nec commune ubique, quod optaret, remedium possit adhiberi.” Concil. Trident. Sessio xxv. de Regular. c. 21. Labbe, Concilia, t. xiv. col. 904.

“and be sanctioned by canons. If he be acquainted with the history of the see of Constantinople, he would have remembered how that see, originally a suffragan of Heraclea, by a series of usurpations obtained jurisdiction over the metropolitans of Pontus, Thrace, and Asia, which at length was approved by the general council of Chalcedon. And though, through the refusal of Pope Leo to sanction some of the canons of that synod, the arrogant pretensions of that see against the rights of other patriarchates were repressed, yet it is evident, that its jurisdiction, as a patriarchal see, over the once *Autocephali*, or independent metropolitans above named, was from thenceforward admitted. . . We, on the other hand, are justified in concluding from this example, that any jurisdiction, even though it might have been originally unjust and usurped, which any patriarchate obtained, might, by long usage and willing submission, become legitimated, and so form a part of the ecclesiastical law. For the council of Chalcedon does not *grant*, but *admit* rights as already existing. ‘Let not the privileges of Constantinople be lost.’”

One word in passing here :—The council of Chalcedon did not employ any such expressions with reference to the jurisdiction of the see of Constantinople. They do not occur in its twenty-eighth canon, nor in any part of the sixteenth action,

^a Dublin Review, vol. v. p. 293, 294.

where this subject was discussed. Nor are they found in the synodical epistles to the Emperor and to Pope Leo. Where then do they occur? In the eleventh action; when it was questioned, who should ordain the bishop of Ephesus, *the clergy of Constantinople made a request to the council*, "that the privileges of Constantinople be not lost^b." What becomes, then, of Dr. W.'s argument from the *council of Chalcedon*? Let us hear the remainder of his observations.

"But if we search this important matter closer, for it brings us very near our final purpose, we shall come to still more specific conclusions. For both from the instance just given, and from the very one quoted from the Tracts," (*i. e.* the case of the Cyprian bishops, which gave rise to the decree of Ephesus,) "it clearly follows, that the subjection to, or exemption from, jurisdiction, so completely depended upon consuetude, and the actual and tolerated exercise of power, that this acquired the force of canon law. For when the legates of the holy see had protested against the subscriptions which they thought had been artfully extorted from the Pontic and Asiatic bishops during their absence from the synod, and insisted that the very canon of Nicea quoted by the Tracts^c should prevail, the fathers

^b Concil. Chalced. act. xi. Labb. Concilia, tom. iv. col. 699.

^c The reference is to the sixth canon of the Nicene synod,

“ required that all who had signed the decrees in
“ question should say, whether they had been com-
“ pelled to subscribe, or had done it of their own
“ free will. In answering to this appeal, several
“ of the bishops assign as their grounds for sub-
“ jection to the patriarchal rights of Constanti-
“ nople, that *custom* had sanctioned it. . . . Eusebius
“ of Dorylæum assigns as his motive, that the
“ Pope had approved of this practice in presence
“ of some Constantinopolitan clergy. . . . Thus we
“ find the establishment of *custom prevailing in the*
“ *minds of these bishops against them,*” (the canons
of Nice and Ephesus,) “ *and the general council*
“ *acquiescing in their opinion.* For the claims of
“ Constantinople were held good, and ever after
“ prevailed ^d.”

The principles which Dr. W., in the whole of this passage, attempts to fix on the council of Chalcedon, are, that jurisdiction, even though originally *usurped*, is so confirmed by custom and tolerated exercise, that, where these exist, it “acquires the force of canon law;” and that jurisdiction, so sanctioned, ought to prevail even against the canons of œcumenical synods universally received. Let us see how far such maxims can be justly attributed to the œcumenical synod of Chalcedon.

quoted by the Tracts, No. 15, p. 8, in confirmation of the celebrated decree of Ephesus, which has been already cited.

^d Dublin Review, p. 294, 295.

First, then : If the synod of Chalcedon believed, as Dr. W. pretends, that the jurisdiction assumed by the see of Constantinople over the dioceses of Pontus and Asia, had, by mere "consuetude," and "the actual and tolerated exercise of power, *acquired the force of canon law*," what need was there for the enactment of a *canon*, establishing and instituting that jurisdiction? Such a canon must have been (on Dr. W.'s theory) quite superfluous, to say the least. Yet we find the synod of Chalcedon speaking thus in its twenty-eighth canon. "Following always the definitions of the holy fathers, and acknowledging the canon of the hundred and fifty bishops beloved of God, just read," (the third canon of the second œcumenical synod giving precedence to the bishop of Constantinople,) "we also define and appoint the same things concerning the privileges of the most holy church of Constantinople, New Rome; for the fathers, with reason, gave privileges to the throne of the elder Rome, because it was the imperial city; and the hundred and fifty bishops beloved of God, moved by the same consideration, awarded equal privileges to the most holy throne of New Rome, judging reasonably, that a city honoured by the empire, and a senate, and enjoying equal temporal privileges with the elder imperial Rome, should also like her be made great in ecclesiastical matters, having the second place after her. *And so also, that the metropolitans only of the Pontic,*

Asiatic, and Thracian dioceses, and the bishops of the aforesaid dioceses amongst the barbarians, *be ordained* by the aforesaid most holy throne of the holy church in Constantinople; that is to say, each metropolitan of the aforesaid dioceses, with the bishops of the province, ordaining the bishops of that province, as it is stated in the holy canons; but that the *metropolitans* of the aforesaid dioceses *be ordained*, as has been said, by the archbishop of Constantinople, after unanimous elections, according to custom, have been made and reported to him *.”

In this canon the jurisdiction of the see of Constantinople over the dioceses of Pontus, Asia, and Thrace, is *instituted*, as if it had never existed previously. There is no recognition of any right acquired by *custom*—no allusion even to any custom at all. Is this consistent with Dr. W.’s notion, that the council believed the existing custom to have “the force of canon law?” Does not the language of this decree, nay, its very enactment by the synod, prove sufficiently, that, in the opinion of all parties, whatever custom existed previously, was infirm, questionable, dubious,—and so dubious, that it required nothing less than a canon of an œcumenical synod to render it lawful or canonical?

If Dr. W. should refer us to the synodical epistle

* Labb. Concilia, t. iv. col. 795—798.

to Pope Leo, in which the council does allude to the *custom*, in these words, “ We have *confirmed* by a *synodical decree* the custom of long continuance, which the holy church of God in Constantinople hath, to ordain the metropolitans of the Asiatic, Pontic, and Thracian dioceses[†];” he still will be very far from establishing his position, that such a custom had, *previously to the decree of the synod*, acquired “ the force of canon law.”

Secondly. Observe the motive which led the synod of Chalcedon to establish this jurisdiction of the see of Constantinople. Did the fathers intend to sanction ambition, usurped jurisdiction, or the desire of pre-eminence? Far from it. They most carefully guarded themselves against the imputation of compliances so unworthy. In their epistle to Pope Leo, after stating what jurisdiction they had conferred on the see of Constantinople, they added that they had done so, “ *not so much for the sake of giving any thing to the throne of Constantinople*, as to provide good order for the metropolitans themselves, inasmuch as, frequently, when bishops die, many tumults arise, when the clergy

[†] Τὸ γὰρ ἐκ πολλοῦ κρατήσαν ἔθος, ὅπερ ἔσχεν ἡ Κωνσταντινουπολιτῶν ἀγία τοῦ Θεοῦ ἐκκλησία, εἰς τὸ χειροτονεῖν μητροπολίτας τῶν διοικήσεων τῆς τε Ἀσιανῆς, καὶ Ποντικῆς, καὶ Θρακιῆς, καὶ νῦν κατὰ συνοδικὴν ἐκυρώσαμεν ψῆφον, οὐ τοσοῦτον τῷ θρόνῳ Κωνσταντινουπόλεως τι παρέχοντες, ὅσον ταῖς μητροπόλεσι τὴν εὐταξίαν πρυτανεύοντες, διὰ τὸ πολλοὺς πολλάκις, τελευταίων τῶν ἐπισκόπων, ἀνακύπτειν θορύβους. κ.τ.λ. Concil. Chalced. Epist. ad Leon. Labb. t. iv. col. 837.

and laity are without a leader, and the order of the church is disturbed^s." The synod, then, had not the remotest idea of sanctioning usurped jurisdiction; but, observing that the dioceses in question *needed* the establishment of some spiritual superior, and that the interests of religion would be much promoted by such a measure, they were led by these motives, and these only, to make their decree.

Thirdly. Let us examine in what point of view this custom, which Dr. W. thinks so perfectly canonical, was regarded by the legates of pope Leo in the synod of Chalcedon. At the opening of the sixteenth session, Paschasinus and Lucentius said, in allusion to the canon on the privileges of Constantinople, that, after their departure on the previous day, "Certain acts are said to have been done, which, in our judgment, were done *contrary to the canons* and the discipline of the church^h." So far then, were these legates from acknowledging the canonical authority of the *custom* which gave the see of Constantinople jurisdiction over the dioceses of Asia, &c., that even when it had been established by *canon* and by the canon of an *œcumenical synod*, they objected to it, and to that canon, as *unlawful*. They objected that the bishops of Asia and Pontus must have been under compulsion,

^s See last note.

^h Labb. Conc. t. iv. col. 795.

when they admitted such a jurisdiction; and after those bishops had publicly testified in the council, that they *voluntarily* accepted the jurisdiction of the see of Constantinople, and that this jurisdiction had been long *customary*ⁱ; and after the synod had again decided in favour of it, Lucentius still made petition to the imperial officers, that “if any thing had been yesterday done contrary to the canons,” it might be revoked^j. Thus the legates of the Roman see held, that any jurisdiction “contrary to the canons” was unlawful; that it did not become lawful by long-continued custom, nor by the voluntary consent of the bishops over whom it was exercised; and, in fine, that even an œcumenical synod—the greatest that ever assembled—had no right to sanction or establish it.

Fourthly. What was the judgment of St. Leo himself on this occasion? Did he, like Dr. Wiseman, believe the jurisdiction acquired by the see of Constantinople to be canonical? Did he even believe it to be tolerable? As soon as Leo had received an account of the canon in question, he addressed epistles to the Emperor Marcianus^k, to the Empress Pulcheria^l, to the council of Chalcedon^m, to Maximus patriarch of Antiochⁿ, to

ⁱ Ibid. col. 813—816.

^k Ibid. 846.

^m Ibid. col. 882.

^j Ibid. col. 818.

^l Ibid. col. 848.

ⁿ Ibid. col. 883.

Anatolius bishop of Constantinople^o, in all of which he condemned Anatolius for attempting to assume jurisdiction over the metropolitans of Asia and Pontus. He intimated that such an assumption arose from the spirit of ambition, and was highly culpable. He declared that it was entirely contrary to the Nicene canons, which could never be infringed. He asserted that the synod of Chalcedon had no power to make such a canon ; and that the jurisdiction assumed by Anatolius had not derived any real sanction from the decree of the synod. In fine, he annulled the decree, and entirely refused to recognise that very jurisdiction, which Dr. W. pronounces *canonical*, and which, according to him, was "*held good*, and ever after prevailed." "I grieve," says St. Leo to Anatolius, "that thy love hath fallen so low, that thou attemptest to infringe the most sacred constitutions of the Nicene canons, as if this time presented itself seasonably to thee . . . in order that these places being subjected to thy jurisdiction, all the metropolitans may be deprived of their proper honour . . . Thou makest a holy synod, assembled only for the extinction of heresy, an opportunity for thine ambition, and urgest it to afford its connivance to thee, as if the unlawful will of a multitude may not be disapproved ; and as if that disposition of the Nicene canons, appointed truly by the Holy Spirit, might in any point ever

^o Ibid. col. 843.

be broken...Let not the rights of the provincial primacies be destroyed, nor the metropolitans be defrauded of their ancient privileges^p." In writing to the Emperor Marcian he says, "*The privileges of churches*, instituted by the canons of the holy fathers, and *fixed* by the decrees of the venerable Nicene synod, cannot be overthrown by any wickedness, cannot be changed by any novelty^q." Such was the doctrine to which St. Leo steadfastly adhered. Jurisdiction acquired by usurpation, in opposition to the *fixed* code of the Nicene canons (an expression with which Dr. Wiseman finds so much fault), was to him an abomination, a nullity, which could never, by any authority whatever, be sanctioned or tolerated.

^p "Doleo etiam in hoc, dilectionem tuam esse prolapsam, ut sacratissimas Nicænorum canonum constitutiones conareris infringere, tanquam opportunè se tibi hoc tempus obtulerit...ut his locis juri tuo subditis, omnes metropolitani episcopi proprio honore priventur... Sanctam synodum ad extinguendam solum hæresim...congregatam, in occasionem ambitus trahas, et ut conniventiam suam tibi dedat, impellas; tanquam refutari nequeat, quod illicitè voluerit multitudo, et illa Nicænorum canonum per Sanctum verè Spiritum ordinata conditio, in aliqua unquam sit parte solubilis...Non convellantur provincialium jura primatum, nec privilegiis antiquitus institutis metropolitani antistites fraudulentur."—Leo, Epist. ad Anatol. Labb. Conc. t. iv. col. 844.

^q "Privilegia enim ecclesiarum, sanctorum patrum canonibus instituta, et venerabilis Nicænæ synodi fixa decretis, nulla possunt improbitate convelli, nulla novitate mutari."—Leo, Epist. ad Marcian. Labb. t. iv. col. 847.

Fifthly. The successors of St. Leo acted on the same principles, for they refused to allow the validity of the canon of Chalcedon. Pope Gelasius, in an epistle to the bishops of Dardania, alludes to St. Leo's rejection of that canon ; and denies that the see of Constantinople was even to be regarded as invested with the ordinary jurisdiction of a metropolitan see^r. So little notion was there in those ages, that the mere continuance of an usurped and uncanonical jurisdiction gave it the force of canon-law.

All this shows sufficiently, that Dr. Wiseman's notion, that jurisdiction usurped in contradiction to the canons, becomes, by mere usage, invested with canonical authority, is altogether alien,—altogether repugnant to the doctrine of the council of Chalcedon, and to that of Pope Leo, whom he quotes with applause. If any thing be evident, it is, that abuses such as Dr. W. defends, were regarded as entirely devoid of authority, and incapable of obtaining it. What then are we to say to the unheard-of doctrine which Dr. W., in the latter part of his observations, attributes to the council of Chalcedon? What shall we think of its being charged with holding the monstrous opinion, that customs founded in usurpation, in pride, ambition, worldliness, in every thing most contrary to Christianity, are “to prevail against” the most sacred canons of œcumenical synods? It is in this opinion,

^r Labbe, Concilia, t. iv. col. 1207

according to Dr. W., that the synod of Chalcedon "acquiesced;" an opinion necessarily destructive of all discipline, and subversive of all the canons. For, if mere success in usurpation, mere continuance in sin, is to sanctify and authorize transgressions of ecclesiastical discipline; and if this was the sentiment of an oecumenical synod; the greatest possible encouragement is held out to usurpations, and to every other sort of irregularity. What use can there be in canons in this case? What force can they possess? The council of Chalcedon, had it held such doctrines, would have completely stultified its own proceedings. It would have enacted canons constituting a certain jurisdiction, and at the same moment declared, that continued and successful *disobedience* to those canons should be itself canonical, and still more canonical than the regulations to which it was opposed.

Dr. W. carries his doctrine to a still further point. It actually and necessarily leads to the conclusion, that such *abuses* as have been tolerated for a time, are not merely canonical, but IRREVOCABLE; that they have an authority, which Dr. W. denies to the canons themselves. He is ready to concede, that the papal jurisdiction in England was originally an usurpation, an abuse contrary to the canons. Nevertheless he distinctly charges our catholic and apostolic churches with infringement of the canons, usurpation, and intrusion, for attempting to suppress this jurisdiction. In short,

abuses and usurpations in violation of the canons are sacred and holy. The removal of abuses, and restoration of the canons, are altogether impious ! Such are the conclusions, immediately resulting from Dr. W.'s reasoning. Let us observe its inconsistency also. He maintains that the papal jurisdiction in England, though usurped, became canonical by *mere custom* ; but he refuses to admit that the domestic jurisdiction of the English church, though enjoying a prescription of three centuries, since its revival, is canonical. Surely if custom alone sanctioned the one, it must sanction the other also *. But Dr. W. will not admit our jurisdiction to be canonical ; therefore he cannot consistently maintain, that custom alone rendered the papal jurisdiction obligatory on our churches.

SECTION VI.

THE COUNCIL OF EPHEBUS CONDEMNS USURPED JURISDICTION,
AND REJECTS THE DOCTRINE IMPUTED TO IT BY DR. W.

We have seen that Dr. W. has failed in his attempt to adduce the synod of Chalcedon as sanctioning usurped jurisdiction. His reference to the synod of Ephesus is still more unhappy.

* If Dr. W. pretends that the council of Chalcedon considered the jurisdiction of Constantinople over Asia and Pontus canonical, though it had only existed for *fifty* years ; how much more is he bound to approve our jurisdiction, which has existed independently for *three hundred*.

“The instance quoted by the Tracts,” he says, “is still more to our purpose. The patriarch of Antioch claimed the right of ordaining the bishops of Cyprus, or of authorizing their ordination. These oppose his pretensions, and appeal to the council of Ephesus. The fathers there assembled prudently investigate the patriarch’s right to interference, which they do as follows :—The holy synod said, ‘What does the patriarch of Antioch wish?’—Eugenius of Sola, ‘He attempts to subvert our island, and seize the right of ordaining, contrary to the *canons* and *custom which is now ancient*.’ The holy synod,—‘Was the bishop of Antioch ever known to consecrate a bishop in Constantia? Zeno of Curcium,—‘From the apostles’ time it cannot be shown, that the patriarch of Antioch was present and ordained, or ever communicated to the island the grace of orders, nor yet any one else.’ The holy synod,—‘Let the holy synod remember the canon of the holy fathers in Nicæa assembled, which secures to each church its pristine dignity [Here also let it be mindful of Antioch^a]. Inform us, therefore, had not the bishop of Antioch *the right of ordaining you from ancient custom?*’ Zeno said, ‘We have already affirmed, that he never was present, nor ordained, either in the metropolis, or in any other

^a I have taken the liberty of introducing these very important words, which are omitted by Dr. W.

“city.’ After this interrogatory comes the decree
“given in the Tract.”

“Any unprejudiced reader, upon perusing this
“interrogatory, would, we think, conclude that,
“had the Cyprian bishops been unable to state,
“that till then the Antiochian patriarch had not
“ordained bishops in their island, such a decree
“would not have been granted. Twice the synod
“insists upon an explicit answer to this question,
“not to ascertain what right the patriarch put forward, nor how he supported it, but simply to
“learn, whether or no an ancient custom prevailed,
“of the bishops of Antioch exerting patriarchal
“rights over the nomination of the Cyprian prelates.
“Moreover canons and customs become ancient are
“put on a level, and the latter receive the same
“force as the former. The preamble to the decree, as
“given in the Tracts, confirms all that we have
“said: for it says, ‘Whereas it is against ancient
“usage that the bishop of Antioch should ordain in
“Cyprus, as has been proved to us in this council,
“both in words and writing, by most orthodox men,
“we THEREFORE decree, that the prelates of the
“Cyprian churches shall be suffered without let or
“hindrance to consecrate bishops by themselves,
“and moreover, that the same rules shall be observed
“also in other dioceses and provinces everywhere,
“so that no bishop shall interfere in another province, which has not from the very first been under
“himself and his predecessors.’ Is it not evident,

“that the decree supposes that no patriarchal jurisdiction had existed *de facto* in that island; nay, that it sanctions the principle, that where such exercise of jurisdiction exists, it has the force of law^b?”

What will not be attempted by the advocates of a weak cause, when driven to extremity? If there be in the whole circle of ecclesiastical history a circumstance which is more fatally adverse to the position of Dr. Wiseman, than any other, it is the conduct and principle of the synod of Ephesus on this occasion. In all the passages quoted by Dr. W., *conformity to the canons* was the *sole test* applied by the synod to the validity of the patriarch of Antioch's claim. The only reason for which the fathers of the synod inquired as to “the ancient custom,” was, to enable them to *apply the canon of Nice to the particular case before them*. That canon, which the synod had directly and avowedly in view, ratified such privileges of the churches of Alexandria, Rome, and *Antioch*, as were supported by *ancient custom*. “Let the ancient customs prevail, which are in Egypt, Libya, and Pentapolis; that the bishop of Alexandria have authority over all; since this is also customary to the bishop of Rome (in the suburbicarian provinces). In like manner as regards *Antioch*, and in all the other provinces, let the churches preserve their privileges^c.” To

^b Dublin Review, vol. v. p. 295, 296.

^c Concil. Nicen. can. vi.

determine, then, whether the church of Antioch had any right to exercise jurisdiction over the Cyprian churches, *by the canons*, the simple question was, 'What was the ancient custom?' That custom, whatever it was, had been approved by the synod of Nice; and thus, the synod of Ephesus, in its decision, was ultimately guided strictly and solely by the CANONS.

But this is only a small part of what can be said. The canon now made by the synod of Ephesus, distinctly contradicts the doctrine which Dr. W. attempts to fasten on it. So far were these venerable fathers from allowing a mere custom to guide their decision; so far from admitting "that canons and customs become ancient are put on a level, and that the latter receive the same force as the former;" so far from conceding, that where jurisdiction "*de facto*" exists, it "*has the force of law*;" that having prohibited any bishop from usurping jurisdiction over another province, "which has not from the very first been under himself and his predecessors," they add the following most remarkable words: "*But if any one should have taken it, or caused it to be subject to him by compulsion, HE SHALL RESTORE IT*"^d. This is conclusive. Here is that very *de facto* jurisdiction which Dr. W. supposes to have "the force of

^d See above, page 45.

law;" and this jurisdiction is *to be relinquished* as unlawful. The only custom which the synod allowed, was immemorial custom; a custom which had been made *canonical* by the synod of Nice: any other jurisdiction, whether it was or was not recent, whether it arose from forcible usurpation, or peaceable occupation, was rejected.

Let us hear Dr. Wiseman's concluding observations on this part of his subject.

"The examples and authorities thus far recited, lead us to these conclusions. First, the church has, from the beginning, held that a bishop, however validly consecrated, if placed in possession of a see contrary to the canons actually in force in the church, or by means contrary to those regulations which it considers essential to legitimate nomination, acquired no jurisdiction in or over it, and did not enjoy a part in that apostolical succession, which can only be transmitted through legitimate occupation. Secondly, that the canons appointing the forms of such legitimate occupation, or the bars thereto, were not particularly those of Nicea, but generally such as the church agreed in at a given time. Thirdly, that patriarchal jurisdiction is legitimated and determined by usage, and that this sanctions it with a force equal to that of the canons^e."

^e Dublin Review, p. 296.

I have already shown that we admit the first proposition, and that the contrary doctrine is imputed to us by Dr. W. without proof, and through ignorance and error. I shall hereafter avail myself of this principle, to demonstrate the nullity of the Romish ministrations in these realms. The second conclusion misstates the question at issue between us and Dr. W. The position assailed by him was, that certain specified canons of Ephesus and Nice were always binding on the church. Nothing was said of canons in general: nor was it denied that the church might make additional regulations as to ordinations. The only real question was, whether mere customs, or abuses contrary to the canons, were so to annul canons based on the word of God, that the church itself could not revive and restore those canons? From Dr. W.'s conclusion, it might be supposed, that he was contending for the observance of the canons; while his whole argument has really been, that they are of no force against abuses and usurpations. As to the third conclusion, I have shown that it is subverted by the very authorities alleged by Dr. W. in its favour.

SECTION VII.

THE SACRED CANONS AND CUSTOMS OF THE CHURCH, DEFENDED
AGAINST DR. WISEMAN.

BUT let us examine the doctrine of the œcumenical synods and of the Roman church itself, concerning the obligation of the canons, and of customs generally ; and see whether a mere custom, existing *de facto*, was held to dissolve the authority of the canon to which it was opposed. The authority of the sacred canons ^a was never more distinctly recognised than in the synods which Dr. W. has referred to. What do we find in the very action of the synod of Ephesus cited above ? The bishop of Sola complains of the proceedings of the patriarch of Antioch as “ contrary to the *canons* :” the synod itself refers to “ the *canons* of the holy fathers in Nicea ^b ;” and, in fine, the decree is passed, “ lest the *canons* of the fathers be violated ^c.” In the synod of Chalcedon, the first decree passed was, “ We have resolved to observe the canons made by the holy fathers in every synod ^d.” Accordingly, its decree on the privileges of Constantinople com-

^a See Van Espen, *Dissertatio de Veterum Canonum*, &c. Oper. t. vii. p. 1.

^b See above, p. 72.

^c See above 45.

^d Concil. Chalced. art. xv. can. 1. Labb. Conc. t. iv. col. 755.

mences thus: "Following in all respects the definitions of the holy fathers, and acknowledging the canon now read of the hundred and fifty fathers^e," we enact, &c. The instructions of the legates of Pope Leo read in the council were: "that the definitions of the holy fathers be not by any temerity violated or diminished.^f" When the question as to the privileges of Constantinople was discussed, the imperial officers said, "Let each party produce the canons^g." The council, in its epistle to Pope Leo, said: "We have enacted certain other things for the sake of good order, and for the confirmation of the ecclesiastical laws^h."

We have already seen the doctrine of Pope Leo as to the obligation of the canons. The persuasion of his predecessors in the see of Rome was the same. Pope Zozimus wrote to the bishops of Vienne and Narbonne, that "not even the authority of this see (Rome) can concede or change any thing contrary to the decrees of the fathersⁱ." Boniface, in his epistle to Hilary of Narbonne, says, "which thing we cannot bear with patience,

^e Labb. *ibid.* col. 795.

^f Τὸν ὅρον τῶν ἁγίων πατέρων μηδεμίᾳ προπετείᾳ ἰλαττοῦσθαι ἢ μειοῦσθαι.—*Ibid.* col. 810.

^g Ἐκάτερον μέρος τοῦ κανόνα προβαλλέτω.—*Ibid.*

^h *Ibid.* col. 835.

ⁱ "Quod, contra statuta patrum... concedere vel mutare ne hujus quidem sedis possit auctoritas."—Labb. *Conc. t. iv.* col. 1570.

because it is fitting that we be diligent guardians of the decrees of the fathers^k." Leo wrote thus to the Empress Pulcheria: "No one may dare to commit any thing contrary to the appointments of the canons of our fathers, which, in ancient times, were established by spiritual decrees in the city of Nice; so that if any one should decree what is different from them, he would rather diminish his own authority than destroy theirs^l." To the synod of Chalcedon, he wrote in the following terms: "Concerning the observation of the canons of the holy fathers which were settled by inviolable decrees in the synod of Nice, I admonish your holiness that the rights of churches must remain as they were arranged by those three hundred and eighteen divinely-inspired fathers. Let not evil ambition desire aught which belongeth to another: nor let any one seek his own aggrandisement by the diminution of another. For however the elation of vanity may provide itself with extorted consents, and may imagine that its lusts are confirmed by the

^k "Quod nequaquam possumus ferre patienter, quia convenit nos paternarum sanctionum diligentes esse custodes. Nulli etenim videtur synodi constitutio Nicænæ," &c.—Labbe. *ibid.* col. 1585.

^l "Contra statuta paternorum canonum, quæ ante longissimæ ætatis annos in urbe Nicæna spiritualibus sunt fundata decretis, nihil cuiquam audere conceditur; ut si quis diversum aliquid decernere velit, se potius minuat, quam illa corrumpat."—Labbe. *ibid.* col. 848, 849.

name of councils; whatsoever may differ from the *canons of the fathers* shall be infirm and null^m." I shall presently adduce further examples of the reverence professed for so many ages for the sacred canons, by the bishops of Rome. Suffice it to add here, that for at least eight centuries, every bishop of Rome took an oath on the day of his consecration, to "keep the sacred canons, and the constitutions of the holy bishopsⁿ."

It is true, and let not Dr. W. object it to us, that the church always had, and exercised the power of *dispensing* with the strict observance of the canons. Absolute necessity, or great utility, the dangers of religion, or the afflictions of persecution, were always held to afford a relaxation of the sacred canons: but nothing else was permitted to afford any dispensation from laws of universal discipline. In proof of this, we may appeal to the bishops of Rome themselves. Gelasius, in speaking of the canons, acknowledges that the difficulty of circumstances and times affords an exception to the general rule^o. The same doctrine was taught by

^m "Nihil alienum improbus ambitus concupiscat, nec per alterius imminutionem suum aliquis quærat augmentum. Quantumlibet enim extortis assentationibus sese instruat vanitatis elatio, et appetitus suos conciliorum æstimet nomine roborandos, infirmum atque irritum erit, quidquid à prædictorum patrum canonibus discreparit."—Labb. Conc. iv. col. 882.

ⁿ Liber Diurnus Romanorum Pontificum, p. 321, ed. Garnier.

^o "Priscis igitur pro sui reverentia manentibus constitutis, quæ, ubi nulla vel rerum vel temporum perurget angustia, regulariter

Martin I. "The canon can afford excuses for the troubles of adverse times, where contempt, evincing disobedience, hath not preceded; but rather difficulty and need, which oblige us, for the sake of necessity, to abstain, out of mercy, from much strictness^p." Pope John VIII. declared that, "nothing ought to be done contrary to the canons of the fathers, where there is not any necessity^q."

Such were the principles of the ancient church, in reference to the obligation of the great canons of general discipline, such as those which related to patriarchal jurisdiction, and the privileges and liberties of churches. Such canons could only be dispensed with in cases of necessity, or for some great utility; but, even in this case, their obligation did not cease. When the necessity which sanctioned a deviation from the rules had passed away, the canons were held to *resume their force*. Many instances of this might be cited:—I shall only adduce the sentiments of two of the Roman patriarchs. Innocent I., in 414, addressed an

convenit custodire."—Gelas. ad Episcopos Lucaniæ. Labb. t. iv. col. 1188.

P "Novit enim canon afflictorum temporum persecutionibus veniam tribuere, in quibus contemptus non præcessit, prævaricationem redarguens, sed angustia magis et penuria, quæ propter necessitatem ex misericordia cogit multam diligentiam prætermittere."—Martin. I. Epist. v. Labb. Conc. t. vi. col. 22.

q "Nihil tamen est, non extante ulla necessitate, contra canones Patrum agendum."—Epist. 34. Labb. t. ix. col. 31.

epistle to the bishops of Macedonia, who had consulted him about some ordinations performed by a heretic named Bonosus; and which some of those bishops had been obliged to admit by dispensation, in order to avoid the danger of a schism. But Innocent held, that, as this danger was now at an end, they were bound in future to act according to the canons, which rejected all heretical ordinations. "What was appointed," he says, "as a remedy, and under the necessity of the time, appears not to have been so originally. . . . That which necessity devised for a remedy, certainly ought to cease when the necessity ceases. . . . Observe, that churches which are now at peace, cannot presume on what necessity required. But, as it frequently occurs, when a nation or a multitude commit sin, the offence remains unpunished, because it is impossible to punish all, on account of their number; I say, that what is past should be left to the judgment of God; and, for the future, greater care and solicitude must be employed^r."

^r "Jam ergo quod pro remedio ac necessitate temporis statutum est, constat primitus non fuisse.... Quod necessitas pro remedio invenit, cessante necessitate debet utique cessare pariter.... Advertite quod necessitas imperavit, in pace jam constitutas ecclesias non posse præsumere. Sed ut sæpè accidit, quoties à populis aut à turbâ peccatur, quia in omnes propter multitudinem non potest vindicari, inultum solet transire: priora dimittenda dico Dei iudicio, et de reliquo maximâ sollicitudine præcavendum." Innocentii Epist. xxii. c. 5, 6. Labb. Conc.

Even so late as the end of the eleventh century, we find Pope Urban II. teaching the same doctrine: "We desire, however, that no prejudice be done to the sacred canons; but let them have their proper force; and when the necessity comes to an end, let that also cease which was done through necessity^a."

Thus, then, it is evident, that, even where there was a lawful excuse for not acting on the canons, it was still the duty of the church to return to their observance on the earliest opportunity. How much more, then, was it necessary to do so, when the canons had been transgressed *without reason*,—when there was no plea tendered, except mere usurpation and abuse! Customs thus introduced, in real violation of the canons, have never been sanctioned by the church,—never regarded as legitimate customs. Let us hear the definition of a custom in the canon law of the Roman church itself: "A custom is a certain ordinance instituted by usage, which is received as a law where the law fails^t." Its authority is restricted to cases

t. iii. col. 1274, 1276. The same doctrine was held by Nicholas I. Epist. vi. Labb. t. vii. col. 284.

^a "Nullum tamen præjudicium sacris canonibus fieri volumus; sed obtineant proprium robur: et cessante necessitate, illud quoque cesset, quod factum est pro necessitate." Urban. II. In Concil. Rom. A. D. 1099. Labb. Conc. t. x. col. 616.

^t "Consuetudo autem est jus, moribus institutum, quod pro lege suscipitur cum deficit lex." Gratiani Decretum, p. i. dist. i.

where the canons are silent. This was the rule laid down by Pope Nicholas I., in writing to Photius: "As to the customs which you seem to oppose to us, when you write, 'that there are different customs in different churches,' if the authority of the canons be not contrary to them, in which case we ought to oppose them, we judge nothing, nor do we resist them^u." In another place he says:—"We know from the sacred canons, that an evil custom ought to be avoided no less than a pernicious corruption^v." Pope Innocent III. distinctly asserts, that "whatever is contrary to the sacred canons, ought justly to be rather considered a corruption than a custom^w;" and that "any custom which is opposed to the canons ought to have no authority^x."

Such were the principles of the ancient church; such those of the Roman canon law itself, as to customs opposed to the canons. It is needless

^u "De consuetudinibus quidem, quas nobis opponere visi estis, scribentes per diversas ecclesias, diversas esse consuetudines: si illis canonica non obstat auctoritas, pro qua eis obviare debeamus, nil judicamus, vel eis resistimus." Nicolaus, Epist. ad Phot. Labb. Conc. t. viii. col. 1034.

^v "Quantoque scimus ex sacris canonibus, quod non minus mala consuetudo quam perniciose corruptela vitanda sit." Nicolaus Papa Epist. vii. Labb. Concilia, t. vii. col. 284.

^w "Non tam consuetudo quam corruptela merito sit censenda, quæ profectò sacris est canonibus inimica." Innocent. III. apud Gregorii Decretal. lib. i. t. iv. c. 8.

^x "Nos igitur attendentes quòd consuetudo, quæ canonicis obviat institutis, nullius debeat esse momenti."—Ibid. c. iii.

to contrast them with those of Dr. Wiseman. Were his principles well founded, there could, indeed, be no security for any of the canons. Abuses and usurpations would start up with irresistible force, when it was announced, that mere perseverance would cover every abuse, and canonize every enormity. Nor is it merely the canons that would be injured by the establishment of such principles. The customs of the church themselves might tremble to their base. Equal encouragement would be held out to their violation; and the discipline of the church would become the prey of universal anarchy.

Let us consider, too, the operation of such principles on the liberties of churches. If the uncanonical usurpations of a church are sanctified by mere custom, and it be totally unlawful for particular churches ever to vindicate their canonical liberties against tyranny, however extreme, when it has once obtained any establishment; what a chain is forged,—what irremediable slavery is imposed on the Christian church! The usurper has only to sustain his iniquities, and the church is left without remedy. The law of Christ may loudly condemn the origin of that usurpation, and reprove its tyrannical and earthly power;—the canons may have prohibited it, and declared it null and void;—experience may have shown its evils, increasing in every age;—and yet, *because it exists*, the law of Christ, the canons, the utility of the church, are all

to be cast aside. If it was lawful to *resist* such an usurpation in the first instance, why should it be unlawful to *reform* it, after it has been introduced by compulsion, and allowed for a time through ignorance? To deny this power to the church, is to deliver it up, bound hand and foot, into the power of man's infirmities and passions: it is to exclude all possibility of reformation, or of any return to the canons of the fathers.

SECTION VIII.

THE QUESTION BETWEEN THE BISHOP OF ROME AND OUR CHURCHES SUPPOSED TO BE REFERRED TO A GENERAL COUNCIL.—THE ACCUSATION AND DEFENCE.—DR. W.'S PRETENDED DEFENCE OF OUR CHURCHES, AND HIS CRITICISMS ON IT CRITICIZED.

THUS far Dr. Wiseman has been engaged in discussing principles. We are now to see their application "to the case of the English and Irish hierarchy." Our author alludes with evident self-complacency to the "liberal terms" granted to his "adversaries^a," especially in not denying the validity of their orders. He is, it appears, in a conceding humour; and is willing to take, "for the present," the following ground.

^a Dublin Review, vol. v. p. 296.

"We are going," he says, "to confine the rights of the sovereign pontiff in England to those of his patriarchate, excluding the consideration of his supremacy, to which we shall revert later. Nay, we are not unwilling to go further still; and, if the inquiry could be thereby shortened, we would allow our antagonists the false plea of original *usurpation* on his part. For the cases of Constantinople, in the matter of Thrace, Pontus, and Asia, and of Cyprus *versus* Antioch, have established the principle, that possession and ancient usage constitute a right to patriarchal jurisdiction, all inquiry into its origin being waived ^b."

The inquiry would, certainly, be very much "shortened" by such a concession; but not exactly in a way which would be agreeable to Dr. W. or his party. For it has been shown, that the very instances adduced by him are sufficient to prove, that patriarchal jurisdiction acquired by usurpation, and in violation of the canons, was schismatical and null. We cannot but commend his discretion, therefore, in reserving to himself the privilege of retreating on the old positions of his party. But, to proceed:—

"Let us, therefore," he continues, "suppose a general council having to decide by those *fixed* laws to which the Tracts appeal, upon the value

^b Ibid.

“ of Anglican jurisdiction in the sees of England,
“ and the right of the royal or parliamentary
“ bishops to apostolical succession, denied to them
“ by the see of Rome. Let the inquiry be con-
“ ducted on the principles and in the forms used in
“ the ancient synods, as Ephesus, or Chalcedon.
“ It might be as follows : —

“ THE ACCUSATION.—The apostolic see charges
“ those who call themselves the archbishops and
“ bishops of the church established in England and
“ Ireland, with being intruders, by favour of the
“ civil power, into the sees of these realms ; inas-
“ much as they and their predecessors took pos-
“ session thereof in spite and to the detriment of
“ the patriarchal rights of that see, which, from the
“ canons and immemorial usage, had been exercised
“ in the nomination or approbation of all metro-
“ politans and bishops. Up to the time of Henry
“ VIII. this right was perfectly acquiesced in ;
“ when by his statute, 25 Henry VIII. c. 20,
“ the nomination was reserved by letters missive
“ to the king, all the authority of the apostolic see
“ being set aside. The bishops so ordained were
“ removed by the authority of Queen Mary, as
“ competent to interfere in such matters as the
“ king her father. But moreover, what she did,
“ was with the full concurrence and approbation
“ of this apostolical see, which reclaimed and re-
“ sumed its rights, as before acknowledged, and
“ therefore was in exact conformity to ecclesiastical

“law. After which, Elizabeth expelled the bishops
“who were in peaceable possession of their sees,
“with the consent of the holy see and the crown ;
“and so substituted, by her own private authority,
“other so-called bishops, from whom the present
“pretenders to apostolical succession follow and
“succeed. Such subversion of the rights long
“holden and admitted of this apostolic see, and
“such assumption of a power never admitted
“in any part of the church, were clear infringe-
“ments of the canons, and constitute an act of
“usurpation and intrusion, which is null and void
“in all its consequences.”

To this Accusation Dr. W. is so good as to make a rejoinder in the name of the church of England. We must however disembarass ourselves of his advocacy, and speak somewhat differently in our own defence.

THE REJOINDER.—“The archbishops and bishops of the catholic churches in England and Ireland deny that they can be intruders into their sees on the grounds alleged ; inasmuch as the see of Rome has not, either by the canons or by immemorial usage, any right of naming or approving all the metropolitans and bishops of these realms. For nearly twelve centuries, the bishops of Rome did not confirm or ordain our metropolitans ; nor did they acquire such powers over our bishops, till the

fourteenth century, and then only by the aid of the temporal power. These powers were not given to the see of Rome by any œcumenical synod, nor by any English or Irish synod. They were usurped as a matter of divine right by the Roman pontiffs, who, on the same ground, claimed the right of confirming or naming all bishops, metropolitans, and patriarchs whatever^d. The bishops of England and Ireland submit that the acquisition of such jurisdiction by the popes of Rome, was in violation of the canons of the holy synods of Nice and Ephesus, which sanctioned only ancient customs, and which established the rights and independent powers of all metropolitans, prohibiting all patriarchs from assuming jurisdiction over provinces, which had not from time immemorial been subject to their sees. They acknowledge, indeed, that their predecessors, the bishops of England and Ireland, did for some time submit to this jurisdiction contrary to the canons; but they trust that a submission which arose only from ignorance of the canons, and from the compulsion of the Roman see, may be excused. They say also, that the temporary existence of such abuses and usurpations could not annul the obligation of the sacred canons,

^d Bouvier, bishop of Mans, maintains, after La Mennais, that "*solus Pontifex Romanus potest jure divino instituere episcopos per orbem universum.*" *Tractatus de vera Ecclesia*, p. 328, &c.

Bellarmino maintains, "*Episcopos omnes à Papa jurisdictionem accipere.*" *De Rom. Pont. lib. iv. c. 24.*

or in any way compel the church to continue in the practice of such irregularities: that, on the contrary, the churches of England and Ireland were not only justified in removing those abuses, but bound to do so:—that, in consequence, they acted strictly in accordance with the sacred canons, when, in conjunction with the temporal power, they synodically annulled and extinguished the usurped jurisdiction of the Roman see in the reign of Henry VIII. They further allege, that the bishops appointed after this time were canonically confirmed and ordained by their metropolitans and comprovincial bishops, according to the Nicene canons; and that the metropolitans were, in like manner, lawfully confirmed and ordained by the bishops of their provinces.”

“ Under these circumstances they allege, that when ‘the bishops so ordained were removed by Queen Mary,’ with ‘the full concurrence and approbation of the apostolic see,’ a most grievous act of tyranny, usurpation, and schism, was done by the sovereign and the bishop of Rome. They further insist that the bishops who were intruded by the papal authority into the places of the expelled bishops, were appointed illegitimately and contrary to the canons by a usurped power; that, in consequence, they possessed no spiritual jurisdiction whatever; were not to be accounted bishops; and were most justly expelled from the sees which they had usurped, by the religious Queen Elizabeth.

The English sees thus vacant by the expulsion of usurpers, and by death, were filled by pastors legitimately chosen and ordained; the metropolitan of Canterbury and a few bishops being first ordained by some of those bishops who had been unjustly expelled from their sees by the temporal power, and driven into exile, in the reign of Mary, in consequence of their refusal to admit the Roman yoke. Hence, the bishops of England and Ireland claim to be legitimately and canonically possessed of their sees. And they further complain to the synod, that the Roman patriarch has not ceased to trouble their churches, by attempting to usurp jurisdiction over them, contrary to the canons; by sending emissaries to withdraw the faithful from the obedience of their legitimate pastors; by exciting such persons to raise altars against those of the Catholic church; and by ordaining bishops for the schism thus created. They complain that these proceedings are a continual assault on the canons of the Catholic church, and on all the laws of Christian charity and unity. And they invoke the aid and protection of this holy synod for the sacred canons, and its censure on those, who, in violation of Christian unity, continue to minister in opposition to the legitimate bishops."

Such would be our defence, not that which Dr. W. invents for us. Let us here dwell for a little, on the position in which he places the church of England. Our defence against the accusation

would be, according to him, that "in *Scripture* there is not a word to sanction the assumption on his (the pope's) part, of such authority as he exercised for so many ages^e;" and he triumphs in what he calls the "unaccountable inconsistency" of making any appeal to "ecclesiastical decisions, while the original separation from the holy see proceeded *exclusively* on the grounds, which he (the Tract-writer) also lays down, that Scripture gives to the bishop of Rome no more authority in England, than it does to any other foreign bishop^f." In illustration of this, Dr. W. refers to the act of convocation of the province of Canterbury in 1534; to the decision of the university of Cambridge, and the king's proclamation abolishing the supremacy^g, which "omit all mention of ecclesiastical usage, and only discuss the question of divine right as granted in Scripture^h."

Had Dr. W. examined more carefully the words of the university of Cambridge in the decision alluded to, they would have reminded him of the state of the controversy at that time, and sufficiently explained the prominence which was given to the question of divine right. "Whereas," it says, "a question has arisen concerning the powers of the Roman pontiff, which he *claims* in all Chris-

^e Dublin Review, vol. v. p. 298.

^f Ibid. (note.)

^g Wilkins' Concilia, t. iii. pp. 769, 771, 772.

^h Dublin Review, ubi supra.

tian provinces *by the holy Scriptures, &c.*¹” The fact is, as every one who has studied the doctrines of those times ought to know, the Roman pontiffs and their advocates disdained to place their claim to jurisdiction on so low a ground as mere human right or ecclesiastical usage. The Roman pontiffs had long ago set aside any patriarchal titles or privileges, as altogether unworthy of their dignity. On this subject let us hear what is said by the learned Roman Catholic Van Espen, professor in the university of Louvain. In his comment on the thirty-sixth canon of the council in Trullo, he remarks that Gratian had cited it incorrectly in the “*Decretum* ;” and, besides this, “he so expressed and interpreted the canon, that there might seem to be only four patriarchs, *i. e.* of Constantinople, Alexandria, Antioch, and Jerusalem ; removing altogether the bishop of Rome from the number of patriarchs, as if he were elevated to such a height of dignity, that he ought not to be numbered amongst them. . . . The canonists, blindly following Gratian in his errors, gradually expunged the Roman pontiffs from the number and rank of the patriarchs, and reckoned only *four* patriarchs. They were at last followed by Innocent III., (in *Cap. Antiq. tit. de privilegiis*,) when renewing the ancient pri-

¹ Wilkins' *Concilia*, t. iii. p. 771.

“vileges of the patriarchal sees, he only mentions
 “four as patriarchal, but by no means places the
 “Roman amongst them, saying of her, ‘which,
 “by the Lord’s ordinance, obtains the principality
 “of ordinary power over all other churches, as
 “mother and mistress of all the faithful of Christ!’”

From this time, the Roman see claimed jurisdiction by divine right only. We find this ground exclusively taken by the advocates of the papacy during the sixteenth century. Bellarmine labours only to prove the papal jurisdiction from the word of God^k. The same may be said of Cardinals Hosius^l, Fisher^m, and every other writer of eminence on the same side. Since, then, the popes and their adherents only claimed jurisdiction in England by divine right, or from the word of God; the English churches, in denying that the Scriptures supported such a jurisdiction, adhered strictly to the question: nor was there any inconsistency in our afterwards appealing to ecclesiastical usage and the canons, in additional confirmation of our liberties and rights.

Dr. W. insinuates that it is altogether absurd in us, to consider the question as one of divine right.

^j Van Espen, Opera, pars v. p. 206.

^k Bellarmin. De Romano Pontifice.

^l Hosius, Liber de Auctoritate Romani Pontificis.

^m Fischerus, Assert. Luther. Confutatio, Art. xxv. Oper. p. 531—545.

“ We do not recollect a single instance,” he says, “ in an œcumenical synod, where the decision as to “ the rights of the patriarch of Antioch, or Alexandria, to exercise jurisdiction over the bishops “ of other countries, as of Lybia, Pentapolis, or “ Cyprus, and to confirm or depose them, was “ based upon the inquiry, ‘ whether he had more “ jurisdiction *by the word of God*, than any other “ foreign bishop^a.’ ”

Very probably he does not recollect such an instance : but does he recollect any instance in which a patriarch or any other bishop *claimed* a divine right of confirming and ordaining all bishops ? Was jurisdiction ever claimed in any œcumenical synod, on such grounds, by any of the ancient patriarchs ? If it had been, the synod would have decided on that point exactly as our convocations did.

Dr. Wiseman observes, with reference to the acts of the convocations and clergy against the papal jurisdiction, which are adduced by the Tract-writer in proof that the rights of the ancient church were asserted and re-established at the Reformation : “ It is lamentable to hear such men “ as compose the Tracts, admitting as free, deliberate acts of the clergy, what they tremblingly “ performed by King Henry’s stern command,

^a Dublin Review, p. 298.

“ with the fate of Fisher and More as the alternative of refusal ; what formed the sequel of a series of measures taken by the tyrant to secure possession of the object of his lust ; and what the most influential members of these convocations, including the royal pander Cranmer himself, afterwards retracted °.”

Dr. Wiseman had better reserve his lamentations for the blunder of which he has been guilty in this place. It happens that the decisions of the various convocations, universities, &c., were all delivered by the middle of 1534, that is, *a full year before Fisher and More were brought to their trial and condemned*°. What then becomes of Dr. W.’s “ fate of Fisher and More, as the alternative of refusal ?” As to the foul-mouthed and slanderous abuse of King Henry VIII. and of the virtuous and pious archbishop Cranmer, it can excite no other feelings than disgust at its uncharitableness, and pity for its ignorance. Dr. W. seems to be so blinded by his hatred of this eminent prelate, as to be totally unconscious, that he has himself committed the very fault which he incorrectly attributes to the authors of the Tracts. He blames them for alleging the acts of the English convocations as free, when they were carried under

° Ibid.

P I would refer him, in proof of this, to the Popish Historian Dodd, Church History, vol. i. p. 97, 159, 194.

apprehension of the fate of Fisher and More. *Was Cranmer's retraction free*, when it was extorted by the sufferings of Ridley and Latimer?

SECTION IX.

THE CANONS AND PRECEDENTS ADDUCED IN SUPPORT OF THE
PRETENDED PATRIARCHAL JURISDICTION OF ROME OVER
BRITAIN, EXAMINED AND PROVED TO BE WHOLLY INCON-
CLUSIVE.

THE cause of Rome against Britain is still supposed to be under examination in a general council. After the complaint and answer of the contending parties, it was usual, as Dr. W. rightly observes, to refer to the canons and precedents. He then supposes the secretary of the council to read aloud those which follow, and on which I shall make such passing observations, in reply, as may seem necessary.

“1. The decrees of the great and holy councils.
“The celebrated rule of the first Nicene council,
“A. D. 325. . . . Let the ancient usages prevail,
“which are received in Egypt, &c., as they are
“observed in the case of the bishop of Rome
“(Tr. xv. p. 8).” The remainder of the canon
should not be omitted. It is as follows: “And
“so in Antioch too, and other provinces, *let the
“privileges of churches be preserved.* But this in

* Dublin Review, vol. v. p. 298.

“ general is manifest, that if any one be ordained
“ bishop without the consent of the metropolitan,
“ this great synod defines that he must not be
“ bishop^b.” This canon is of great value in es-
tablishing the ancient privileges of particular
churches, and the prerogatives of metropolitans,
against the usurpations of Rome. But let us
proceed with Dr. W.

“ The decree of Ephesus. The same rule shall
“ be observed also in other dioceses and pro-
“ vinces everywhere, so that no bishop shall
“ interfere in other provinces which have not, from
“ the very first, been under himself and his pre-
“ decessors^c.” Here also we must call for the
remainder of the canon: “ But if any one should
have taken (a province), or have caused it to
be subject to him by compulsion, he shall re-
store it,” &c., as above (p. 45). To these canons
of Nice and Ephesus we appeal with confidence.
They establish all jurisdictions existing at the time
when they were enacted: they forbid all usurpation
of authority by one church over another. The
British churches were perfectly independent of
Rome in the time of those synods: it was therefore
unlawful for Rome to assume authority over them:
that authority was an abuse; it ought to have been
relinquished by Rome: it was rightfully corrected

^b Can. vi. Beveregii Synodicon, t. i. p. 66; Routh, *Opuscula*,
t. i. p. 358.

^c Dublin Review, p. 299.

by our churches. The cause then would be soon terminated, if appeal were made to the canons only.

“2. Proofs of the rights of patriarchs to ordain
“and confirm the metropolitans, and, through them,
“all the bishops of their patriarchate. St. Athanasius of Alexandria expressly tells us, that he
“exercised this right by ordaining many bishops.
“The council of Nicæa expressly enjoined, that for
“any of the Meletian bishops to be raised to a
“see, it was necessary to have canonical election
“by the clergy and people, and the confirmation of
“the patriarch of Alexandria. The general synod
“of Chalcedon decreed that the patriarch of Constantinople should have the power of consecrating
“the metropolitans of Pontus and Asia. The celebrated epistle of Pope Innocent I. to Alexander
“patriarch of Antioch, explains the canon of Nicæa
“as admitting this right in patriarchs^d.” Then follows a long extract.

Dr. W. might have spared himself the trouble of collecting these proofs that patriarchs had a right to ordain and confirm the metropolitans of their patriarchates. Many more instances have been collected by Bingham^e and Stillingfleet^f; and we most readily admit, nay, we *insist* upon this right.

^d Dublin Review, *ibid*.

^e Bingham, *Antiquities*, bk. ii. c. xvii. § 12.

^f Stillingfleet, *Origines Britannicæ*, chapter iii.

It constitutes, as Dr. W. well knows, one of the bases of our argument against Rome. Our authors clearly prove, that patriarchs had such rights within their patriarchates, and Dr. W. assists them in this proof. They next show, that for a thousand years, the metropolitans of the west generally; except those of Italy and the adjoining islands, were confirmed and ordained, not by the see of Rome, but by the provincial synods^g; and in this proof they are supported by the advocates of Rome themselves, De Marca, Christianus Lupus, and Thomassinus^h. Whence it follows inevitably, that Rome had no patriarchal jurisdiction over the west generally.

It is worthy of attention, that the instances adduced by Dr. W. prove more than he is disposed to claim, i. e. they establish the right of the patriarchs of Rome and Alexandria to confirm and ordain the *bishops* of their patriarchates, not "*through*" the metropolitans, but immediately and directly. St. Athanasius exercised the right of "ordaining many bishops." The council of Nicea, in the epistle referred to, requires the Meletian bishops to be *ordained* by the patriarch of Alexandriaⁱ. Innocent I. exhorted the patriarch of

^g See Stillingfleet, ubi supra.

^h De Marca, De Concordia, l. vi. c. iv. n. 6—9; Christianus Lupus, in Canon. pars v. p. 790; Thomassinus, Vet. et Nov. Eccl. Disciplina, pars ii. lib. ii. c. 19. c. 43.

ⁱ See above, p 31.

Antioch to interfere in the ordination of *bishops*. Why then does Dr. W. make so modest a claim for the patriarchs, as that of confirming bishops *through* their metropolitans? The reason is, because he well knows, that for twelve or fourteen centuries the bishops of the west beyond Italy, were always confirmed and ordained by their own metropolitans^k; and therefore the only mode in which the appointment of bishops could in any way be connected with Rome, was by assuming that the metropolitans acted as the delegates of the popes—a mere fable without any foundation in fact.

“ 3. Proofs that the nomination of bishops
“ without the sanction of their respective patri-
“ archs were null as to jurisdiction . . . The want
“ of the patriarch’s assent produced a fatal flaw in
“ the title to a see. Synesius writes, that the
“ ordination of the bishops of Palcebisca and
“ Hydrax were invalid, because they had not been
“ confirmed by the patriarch of Alexandria. Again,
“ when the people of Olbium had elected a bishop,
“ and three prelates, of whom Synesius was one,
“ had given their assent, he writes to the patriarch,
“ that only his approbation was wanting to com-
“ plete the work. In fine, to omit many other
“ proofs, the eighth general council, the fourth of

^k See Thomassinus, Vet. et Nova Ecclesiæ Disciplina, pars ii. lib. ii. c. 7, 18, 19, 29, 42, 43.

“Constantinople, having recited the canon of
 “Nicaea, orders that the ancient custom be pre-
 “served, whereby the patriarchs of Rome, Antioch,
 “and Jerusalem, might summon to council, or visit
 “and correct, all metropolitans who are promoted
 “by them, and whether by imposition of hands, or
 “by gift of the pallium, received validity in their
 “episcopal dignity¹.”

Here Dr. W. seems to change his ground, and to claim for patriarchs a right of directly sanctioning the nomination of bishops. Certainly the cases of Palcebisca, Hydrax^m, and Olbiumⁿ, clearly show the right of the patriarch of *Alexandria* to confirm and ordain his bishops. Does Dr. W. then mean to say, that the nominations of all the bishops of the west ordained without the sanction of the Roman patriarch were null as to jurisdiction? If so, he extinguishes at one blow the whole episcopacy of the west from the time of the apostles to the fourteenth century. As to the canon of the pseudo-synod of Constantinople, which Dr. W. cites^o, we have no objection to admit, that those metropolitans who were “promoted” by the patriarchs of Rome received “validity in their episcopal dig-

¹ Dublin Review, vol. v. p. 299, 300.

^m Synesii Epistola 67.

ⁿ Ἐνός οὖν ἐστὶ δέ, τοῦ κυριωτάτου μὲν τοι τῆς ἱεράς σου χειρός. Synesii Epist. 76. Opera, p. 223, ed. Lutetiae, 1612.

^o Concilia, Labb. t. viii. col. 1135.

nity," by the pallium, or by imposition of hands given by those patriarchs; but we deny that the metropolitans of England and Ireland were "promoted by" the Roman see, or received confirmation from it.

"4. Proofs that the Roman pontiffs were patriarchs of the west, and exercised patriarchal rights over it, England included. St. Jerome says: 'Let them condemn me as a heretic with the WEST, as a heretic WITH EGYPT, that is, with Damasus (of Rome) and with Peter (of Alexandria)^p.' That is, as the learned and most judicious De Marca observes, the pope is placed in the same relation to the entire west, as the Alexandrian patriarch is to Egypt, that is, as its patriarch^q; having therefore precisely as much right to exercise jurisdiction in the nomination of his metropolitans; and consequently any of these is without jurisdiction if uncanonically nominated against his will^r."

A fine string of conclusions! but one which is very easily dissipated into thin air, by the very testimony of "the learned and most judicious De Marca" himself, who informs us that the bishops

^p Hier. Epist. xv. Oper. t. iv. pars ii. col. 21.

^q De Marca, De Concordia Sacerdotii et Imperii, lib. i. c. v. n. 2.

^r Dublin Review, p. 300.

and metropolitans of the west were not appointed by the bishops of Rome for *centuries after the time of Jerome*^{*}. How comes it, too, that Dr. W. again only argues for the papal right of confirming *metropolitans*? If the analogy between Egypt and the west is worth any thing for such a purpose, it would prove that the see of Rome had a right to ordain the *bishops* of the west as well as the metropolitans. The patriarch of Alexandria certainly ordained not only metropolitans, but bishops too[†]. Why then is not the analogy carried out? The fact is, that St. Jerome did not refer to the patriarchal jurisdiction, nor to any jurisdiction whatever. He merely argues, that *if* he be a heretic, he is so in common with the whole west, which is *in communion* with Damasus, and with Egypt, which communicates with Peter. The unity of sentiment was the only point to be proved, and this unity was sufficiently evinced by *communion*.

“ When the emperor Justinian wished to honour
 “ with a high ecclesiastical dignity the bishop of
 “ Achridus, his native place, giving it the name of
 “ *Justiniana Prima*, he applied to Pope Vigilius,

^{*} De Marca, De Concordia, lib. vi. c. iii. n. 10—12; c. iv. n. 6—9. St. Leo expressly denies that he had any right to ordain the bishops of Gaul. “ Non enim nobis ordinationes vestrarum provinciarum defendimus.” Leo Epist. ad Episc. Vienn. Ep. 79. Labb. t. iii. col. 1400.

[†] Bingham, Antiquities, bk. ii. c. xvii. § 11.

“ who erected it into an archiepiscopal and metropolitan see, assigning it a province, which he took “ from that of Thessalonica “.”

There is no evidence that the emperor applied to Vigilius to erect it into an archiepiscopal or metropolitan see. He had in fact constituted it such by an imperial law, before the time of Vigilius^v, and placed under its jurisdiction such provinces of Western Illyricum as had formerly been subject to the bishops of Sirmium, but which, on the destruction of that city by the barbarians, had devolved to the bishop of Thessalonica in Eastern Illyricum^w. The bishop of Justiniana was now constituted metropolitan of Western Illyricum by imperial authority; and those provinces were thus restored to their old privileges. All that Pope Vigilius did, at the emperor's desire, was to send the pallium to the new metropolitan, by which he established him *Vicar of the Roman see* in Illyricum^x; the popes having succeeded in appointing such vicars for two centuries previously in Illy-

^u Dublin Review, *ibid.*

^v Novella ii. See Le Quien, *Oriens Christianus*, t. ii. col. 19, where it is cited at full length.

^w Thomassinus, *Vet. et Nov. Eccl. Disciplina*, pars i. lib. i. c. 19.

^x “ Et in provinciis ipsi subjectis locum teneat apostolicæ sedis Romanæ secundum ea quæ sanctus Papa Vigilius constituit.” Novella cxxxi.

ricum. But what has all this to do with England and Ireland?

"And hence St. Gregory the Great expressly "and directly confirms the nomination of John "elected to that see, sending him the pallium in "token thereof".

St. Gregory did not send the pallium in token of his confirming the election, but in token of conferring the vicariate of the Roman see. In his epistle he approves of the election, and then merely adds: "We have sent you the pallium according to custom, and decree anew, that you are to exercise the vicariate of the apostolic see". As to his confirming the election of the bishop of Justiniana, that furnishes no argument for his confirming our metropolitans.

"Again, when Perigenes had been ordained "bishop of Patras in 418, and the people had "refused to admit him, he was elected to the "*metropolitan* see of Corinth, his native city. The "clergy and people sent a petition to Pope Boniface I. requesting him to confirm their choice. "He first sent their memorial to his vicar, the "archbishop of Thessalonica, with orders to "inquire into the case and make a report thereon. "Upon receiving this, the pope confirmed the

^y Dublin Review, *ibid.*

^z "Pallium vero ex more transmisimus, et vices vos apostolicæ sedis agere, iterata innovatione decernimus." Gregorii Opera, t. ii. -col. 586, ed. Benedict.

“election, in terms demonstrative that such confirmation was necessary for the validity of the appointment^a. Socrates, who relates this event, “says expressly that Perigenes was named bishop “by command of the holy see^b.”

Boniface I. only acted at the request of the people of Corinth, who appealed to him to sanction what might be regarded as an irregularity; and he not unwillingly availed himself of this opportunity to exercise jurisdiction, as it had been the object of the Roman see since the time of Siricius to bring the whole of Illyricum (including Greece) under their sway^c. But whatever may have been Pope Boniface’s opinion of his powers, the bishops of Illyricum took a totally different view of it: *for they assembled in synod to inquire into the validity of this appointment^d*; but the Roman pontiff, finding his power endangered, applied to the Emperor Honorius, who obtained a law from his brother Theodosius, emperor of the East, subjecting Illy-

^a “Cui (Perigeni) ad plenitudinem confirmationis episcopatus sui hoc solum residet, quòd nostros in honore suo necdum suscepit affatus.” Epist. v. Bonif. i.

^b Dublin Review, vol. v. p. 300, 301.

^c Stillingfleet, Orig. Brit. c. iii. p. 115; Du Pin, De Antiq. Eccl. Discipl. p. 39; Thomassinus, Vet. et Nov. Eccl. Discipl. pars i. lib. i. c. 18. art. 7.

^d Stillingfleet, *ibid.* p. 116. See Labb. Concilia, t. iv. col. 1705—1709.

ricum to the Roman see^e; which thus by *the aid of the temporal power* acquired jurisdiction over that diocese. In fine, it may be said, that if the Roman bishop had succeeded in obtaining jurisdiction in Illyricum, it furnishes no proof that Britain ought to be subject to him also.

We are next referred to the "Tradition de l'Eglise" for additional proofs that the see of Rome exercised patriarchal authority in France, Spain, Africa, and the parts of Italy beyond the Roman province^f. As no particulars are stated, we have merely to deny in general that any proofs of such an authority exist, and can be adduced; and we appeal to Stillingfleet^g, and to Du Pin^h, a Roman catholic, and doctor of the Sorbonne, in refutation of the claim.

We are next favoured with "one single proof that England was considered a part of the Roman or western patriarchate." It appears that the signatures of "Wilfrid bishop of *York*," with those of Felix of Arles, and other French bishops, are amongst those of one hundred and twenty-five bishops who formed the synod of Rome in 680, convened by desire of the Emperor Constantine Pogo-

^e Du Pin, p. 211. Labb. Conc. t. iv. col. 1710.

^f Dublin Review, p. 301.

^g Stillingfleet, *Origines Britannicæ*, c. iii.

^h Du Pin, *De Antiqua Eccl. Discipl. Diss.* i.

natus. "Moreover, in their letter to the emperor, the bishops give as a reason for their delay, that they had hoped to be joined by 'Theodore, archbishop of the great island of Britain, and a philosopher, together with the bishops dwelling in that island, and divers prelates of their council dispersed in different parts; that so their suggestions might be made by their entire council¹.'"

Wilfrid of York was present at this time in Rome on his own private affairs, having been deprived of his see by archbishop Theodore and the bishops of England^k. He therefore did not attend the synod as a *representative* of our churches, although his subscription to its acts entitles him, "legate from the synod of Britain¹;" but having been absolved from various offences by the Pope, and recognised as bishop, he was called to the synod for the purpose of testifying the faith of the British and other northern churches in opposition to the monothelite

ⁱ Dublin Review, p. 302.

^k "Apostolicam sedem de suâ causâ appellans, et ab hac potestate de certis incertisque rebus absolutus, et cum aliis centum viginti quinque episcopis in synodo in judicii sede constitutus, et pro omni Aquiloni parte Britannicæ et Hibernicæ insulis, quæ ab Anglorum et Brittonum, necnon Scottorum et Pictorum gentibus incoluntur, veram et catholicam fidem confessus est, et cum subscriptione sua corroboravit." Beda, Hist. Eccl. lib. v. c. 19. The Benedictine editors of the Gallia Christiana hold, that as Wilfrid was certainly not a legate from the synod of Britain, so Felix of Arles was not a legate from the synod of Gaul. T. i. col. 543.

¹ Labb. Conc. t. v. col. 697.

heresy^m. In a case like this, where the common faith of the church was endangered, the Roman see might with perfect propriety *invite* bishops *beyond its jurisdiction* to assemble for the purpose of defending the truth; and there is not any evidence that Theodore and the British bishops were called to the Roman synod on any different principle. It must be observed, however, that this Roman *synod*, consisting entirely of Italian and Sicilian bishops, appears to have been willing enough to claim jurisdiction over other churches, and on contradictory grounds too; for, in the passage above cited, they allege that they had waited for “divers prelates of this council dispersed in different parts, that so their suggestions might be made by their entire counselⁿ;” thus claiming the bishops in question as *a part of their synod*: but at the beginning of their epistle, Pope Agatho, in allusion to the synods of France and Britain, writes “Agatho, with all the synods *subject to the synod* of the apostolic see^o.” Here the synods of France and Britain are acknowledged to be distinct from the Roman synod, but subject to it;—observe, not subject to the *bishop of Rome*, but to *the Roman synod*. This is a species of jurisdiction, which will not, I apprehend, be admitted by any one as well-founded. It certainly

^m See above, note k.

ⁿ Labb. Concilia, t. v. col. 685.

^o Ἀγάθων—σὺν πάσαις ταῖς συνόδοις ταῖς ἀνηκούσαις τῇ συνόδῳ τοῦ ἀποστολικοῦ θρόνου. Labb. Conc. t. vi. col. 678.

cannot assist the papal claims to patriarchal jurisdiction in England.

“It is an ancient maxim of ecclesiastical law, as De Marca has observed, ‘qui pertinent ad consecrationem, pertinent ad synodum^p,’ that is. only those could be summoned to a synod over whom he who summons has a right of consecration, the right of commanding attendance and of consecrating being commensurate^q.”

We most fully admit the truth of this maxim, and for this reason conclude, that there was no right of commanding attendance, as most assuredly there was no right of consecrating the metropolitans or bishops of the west. If Theodore had been *commanded* to attend the synod of Rome, he would probably have refused to do so. But we return to our author.

“This is further proved by the canons above cited at length of the eighth general council . . . in which it is stated that the *ancient custom*, which refers it to the decrees of the Nicene council, be observed, in virtue whereof the patriarch of Rome, like other patriarchs, might summon the metropolitans subject to him to a council. Seeing, therefore, that Theodore of Canterbury and other English were called and expected to attend this Roman or western council, as forming part thereof,

^p De Marca, De Concordia, l. i. c. vii. n. 3.

^q Dublin Review, p. 302.

“and that Wilfrid of York being in Rome attended
 “it, we may justly conclude that they were subject
 “to the patriarchal authority of the Roman see
 “which summoned them. Such might be in an
 “abridged form the recital of laws and precedents
 “bearing upon the decision of the question^r.”

I have already observed, that we allow the right of the Roman patriarchs to call the metropolitans of their *patriarchate* to a patriarchal synod ; but in this instance, as has been said, there is no evidence that the bishops of Britain and the west generally were convened to such a synod. They were only invited to meet for the defence of the faith ; and we might just as well argue, from the presence of Eusebius of Vercellæ and Asterius of Petra in the synod of Alexandria*, that Athanasius possessed jurisdiction over Italy and Arabia, as that Agatho had patriarchal jurisdiction over the west, because one or two foreign bishops happened to be present in his synod at Rome.

Having now brought to a conclusion the examination of the canons and precedents adduced by Dr. W. as bearing on the question, let us review the whole. The point to be proved was, that the patriarch of Rome has a right, “from the canons and immemorial usage, to nominate or approve all metropolitans and bishops” in England and Ire-

^r Ibid.

* Fleury, Hist. Eccl. liv. v. n. 26.

land. The proofs advanced are : first, the canons of oecumenical synods establishing the rights of patriarchs generally, within their patriarchates ; secondly, examples showing the rights of patriarchs to ordain the metropolitans, and in some cases the bishops of their patriarchates ; thirdly, proofs that nominations of the bishops and metropolitans of a patriarchate, made without the patriarch's consent, are uncanonical. All this may be very true : we have no objection to offer to it : but the question between the British churches and Rome has not yet been touched. Fourthly, it has been attempted to be proved, that the Roman see has patriarchal rights over the west generally, and over England in particular ; but, strange to say, the very point under discussion appears to have been almost lost sight of. The papal right of ordaining the metropolitans and bishops of the west and of Britain is that point. In proof of this we are only told, that the pope confirmed the bishop of Justiniana in *Illyricum* in the sixth century, and that the bishops of England were invited to attend the synod of Rome in the time of the Monothelite heresy. This is certainly but a slender foundation on which to build such lofty claims. Were this all that could be alleged by the advocates of Rome, there can be little doubt, that a general synod would have most severely censured those, who, on such pretences, had dared to impute schism to the English church, or nullity to its episcopal ministrations.

SECTION X.

THE GENERAL SYNOD SUPPOSED TO INTERROGATE BOTH PARTIES.—THE BRITISH BISHOPS' REPLY TO THE ROMANISTS.

WE now follow Dr. Wiseman to a series of interrogatories supposed to take place in the synod. "In the ancient synods," he says, "the canons being read, the parties were interrogated," and "we might suppose such questions put, as in the inquiry into the claims of the patriarch of Antioch^a." Dr. Wiseman then favours us with a series of questions by the synod, and answers by "the Anglican church;" but as the latter are not exactly what a well-informed member of our churches would make, I must beg to substitute other replies for them, and to ascribe them to that party whose interests they are calculated to subserve, i. e. instead of "ANGLICAN" I must substitute "ROMANISTS."

"THE SYNOD. Who planted the Christian religion in your country? ROMANISTS. The venerated Bede informs us, that Pope Eleutherius sent over missionaries to the Britons, and converted them. And when the Pelagian heresy

^a Dublin Review, vol. v. p. 302.

“ had infected this island, Pope Cælestinus sent “ St. Germanus to correct and purify it ^b.”

BISHOPS OF BRITAIN. Eusebius, who wrote nearer to the time of the apostles than Bede did to that of Eleutherius, declares that Britain was visited by the apostles themselves ^c; and Theodoret says that St. Paul preached the gospel here ^d. The circumstance alleged from Bede can have no authority, having been unnoticed for five centuries and a half after the period at which it is said to have occurred, and being at length produced in an age of forgeries, apparently with a view to overcome the opposition of the British Christians to the customs of the Roman church. There is therefore no reason to attribute the original conversion of Britain to the Roman see. As to St. Germanus, he came to Britain by desire of a synod of the bishops of France, not merely by that of Pope Cælestinus ^e.

“ THE SYNOD. Who communicated to your “ island the grace of orders ? ROMANISTS. The holy

^b Ibid.

^c Eusebii Demonstratio Evang. lib. iii. c. 5.

^d Theodoret. tom. iv. serm. ix. p. 610.

^e “ Britanni . . . inveniunt salubre consilium ut a Gallicanis Antistibus auxilium belli spiritalis inquirant. Quam ob causam collecta magna synodo quærebatur in commune, qui illic ad succurrendum fidei mitti deberent ; atque omnium judicio electi sunt apostolici sacerdotes Germanus Antissidorensis, et Lupus Treca-senæ civitatis episcopi,” &c. Beda, Hist. Eccl. lib. i. c. 17. See also Stillingfleet, Origines Brit. c. iv. p. 189.

“ Pope St. Gregory, who reconverted our island
 “ under the Anglo-Saxons, and established in it the
 “ episcopacy which yet remains. For he appointed
 “ St. Augustine, archbishop of London (which see
 “ he transferred to Canterbury), sending him the
 “ pallium with power to consecrate twelve bishops
 “ as his suffragans, and another at York, who
 “ should also consecrate twelve suffragans, receiv-
 “ ing likewise the pallium, and enjoying the dignity
 “ of metropolitan. The pope also disposes, that
 “ during Augustine’s life-time the archbishop of
 “ York should be subject to him, but after the
 “ death of that apostle enjoy independence. The
 “ two metropolitans were to have precedence
 “ according to seniority of consecration^f. ”

BISHOPS OF BRITAIN. Pope Gregory was perfectly justified in directing Augustine as to the arrangement of the church just rising amongst the Anglo-Saxons, having contributed so much to that happy event by sending Augustine on his mission. This, however, was a peculiar and extraordinary state of things, which did not afford any rule for other times. But our adversaries do not seem to be aware, that the very words of Pope Gregory here referred to, establish two points in direct opposition to the right of ordination claimed by the Roman see : first, that the bishops of England were “ always for the future ” to appoint and consecrate their metropolitans ; secondly, that those metro-

^f Dublin Review, vol. v. p. 302, 303.

politans were to consecrate the bishops of their provinces. "We concede to thee," he writes to Augustine, "the use of the pallium" (the well-known mark of authority as vicar of the Roman see), "that you may *ordain in several places twelve bishops* to be subject to your jurisdiction, since the bishop of the city of London *ought always in future to be consecrated by his own synod*, and to receive the pallium of honour from this apostolical see. We wish you also to send a bishop to the city of York, who also is to *ordain twelve bishops*, and to enjoy the honour of metropolitan^s." Thus the ordination of the bishops and metropolitans of England was given, according to the canons, not to the Roman see, but to the English church itself. The present discipline of our churches is therefore entirely conformable to that which Pope Gregory instituted.

"THE SYNOD. Did the bishop of Rome continue
 "to exercise jurisdiction over the metropolitans of
 "England and Ireland after their first establish-
 "ment? ROMANISTS. Most certainly; for Hono-

^s "Usum pallii tibi concedimus, ita ut per loca singula duodecim episcopos ordines qui tuæ ditioni subiaceant; quatenus Londiniensis civitatis episcopus semper in posterum a synodo propriâ debeat consecrari, atque honoris pallium ab hac apostolicâ sede percipiat. Ad Eboracum verò civitatem te volumus episcopum mittere, ut ipse quoque duodecim episcopos ordinet, ut metropolitani honore perfruatur." Gregorii Mag. Epist. ad Augustin. Opera, t. iii. col. 1163.

“ rius I., writing to king Edwin, sends the pallium
“ to the two archbishops, with special powers to
“ either to name the other’s successor, in virtue of
“ the authority of the holy see, in consideration of
“ the great distance which separates England from
“ Rome ^h.”

BISHOPS OF BRITAIN. There were at that time no provincial synods to perform the ordinations of the metropolitans; for it seems that there were no other bishops in England then besides the two metropolitansⁱ. It was under these difficulties, that the arrangement alluded to was made. The necessity of the case justified Pope Honorius in thus acceding to the request of the Anglo-Saxon kings^k and bishops, and giving the sanction of his name and authority in the universal church, to so salutary a rule^l. This, in fact, amounted to a dispensation from the canons, which the case would have furnished even without any application to the bishop of Rome; but the English church sought his interposition, not that he possessed any patriarchal jurisdiction over them, but in order that they might not seem to act entirely on their own judgment.

ROMANISTS. “Pope Adrian, acceding to the

^h Dublin Review, p. 303.

ⁱ See Bede, from whom we may collect that Felix bishop of Dunwich arrived at a later period.

^k Labb. Conc. t. v. col. 1684.

^l Ibid. col. 1683.

“ request of Offa, king of the Mercians, created
 “ the bishop of Lichfield primate, subjecting to him
 “ many of the suffragans of Canterbury. The arch-
 “ bishop of this see submitted, however reluctantly,
 “ to the dismemberment of his province, till Leo
 “ III., better informed, acceded to the petition of
 “ the bishops, and rescinded his predecessor’s de-
 “ cree ^m. ”

BISHOPS OF BRITAIN. The act of Pope Adrian was unlawful and contrary to the canons, and, as such, was afterwards “ forbidden to have any force ” by our predecessors, the bishops of England, in the synod of Cloveshoe, where also it was decreed, that the primacy, supported by “ the canons,” and the apostolical decrees, should remain in Canterburyⁿ. The decree of Adrian had also been complained of by Kenulph, king of Mercia, as “ contrary to the *canons*, and to the apostolical decrees of Pope Gregory ” above referred to^o; and Pope Leo himself, in putting an end to the usurpation, declared that the archbishop of Canterbury “ had been *unlawfully* despoiled and deprived ” of the sees formerly subject to him^p. The archbishop of Canterbury had been forced to submit to this injustice by a coalition of the temporal power with the Roman see; but a mere act of usurpation like

^m Dublin Review, p. 303.

ⁿ Wilkins, Concilia Mag. Brit. t. i. p. 166, 167.

^o Ibid. p. 164.

^p Ibid. p. 165.

this, furnishes no proof of the pope's right of patriarchal jurisdiction over England.

"ROMANISTS. During the long contests for superiority between the sees of Canterbury and York, the matter was constantly referred to Rome, and its legates presided at the British synods held concerning their respective claims. The alternate triumphs of the contending parties were due to papal decisions in favour of one or the other ¹."

BISHOPS OF BRITAIN. You have now descended to a very *late* period, the eleventh and twelfth centuries, when the Roman see had obtained great authority in the west. The voluntary agreement, however, of two contending parties, to make the Roman see the arbiter of their disputes, does not prove any *inherent* right in that see to judge their differences, or exercise jurisdiction over them.

"ROMANISTS. In Ireland it was the same. St. Malachi, archbishop of Armagh, because, as St. Bernard writes, '*metropolitice sedi deerat adhuc et defecerat pallii usus, quod est plenitudo honoris*,' undertook a journey to Rome, to obtain this distinction for himself, and for another

¹ Dublin Review, vol. v. p. 303.

² "Because the use of the pall, which is the plenitude of honour, still was, and had been, wanting to the metropolitan see." In *vitâ Malachiæ ap. Bernardum ad an. 1137.*

“ new archiepiscopal see, the erection whereof he
 “ moreover desired to have confirmed by the holy
 “ see.”

BISHOPS OF IRELAND. The very words of St. Bernard refute the claims of the Roman see to any jurisdiction in Ireland; for it appears from them, that for eleven centuries the metropolitans of Ireland had not received even the pallium from Rome. So that there is not the least pretence for imagining that the Roman pontiffs, during those ages, had any thing to do with the appointment of the Irish metropolitans and bishops.

“ ROMANISTS. In 1151 Eugenius III. sent four
 “ palliums into Ireland, appointing four metropo-
 “ litans, to each of whom five suffragans were to be
 “ subject.”

BISHOPS OF IRELAND. It is not true that Pope Eugenius appointed four metropolitans in Ireland. His legate, Christianus, bishop of Lismore, assembled a synod at Mellifont, “ at which were present the bishops, abbots, kings, dukes, and elders of Ireland, *by whose consent* four archbishoprics were constituted.” It was by the consent of the

* Dublin Review, p. 303, 304.

† Ibid. p. 304.

“ Cui (synodo) interfuerunt episcopi, abbates, reges, duces, et majores natu Hiberniæ; quorum consensu, archiepiscopatus constituti sunt quatuor.” Wilkins, Concilia Mag. Brit. t. i. p. 425. It appears from a contemporary writer (ibid.) that there had been three archbishops of Cashel up to that time, and before the pall was received in Ireland.

synod of Ireland, that these metropolitans were appointed.

“ROMANISTS. We acknowledge therefore that “ the see of Rome did from the beginning order “ our hierarchy, such as it now exists, and transfer, “ divide, or otherwise vary the jurisdiction of our “ metropolitans ”.

BISHOPS OF BRITAIN. All that has been *proved* is, that the English church, according to Pope Gregory, was always to ordain its own prelates without having recourse to Rome ; that two bishops of Rome assisted in the maintenance of the English hierarchy on occasions of absolute necessity ; that another uncanonically disturbed the jurisdiction of an English metropolitan ; that the sees of Canterbury and York, at a late period, voluntarily made the see of Rome the arbiter of their disputes ; and that the metropolitans of Ireland never received palliums from Rome till the twelfth century. This is what has been proved ; and, most assuredly, it is altogether insufficient to prove the patriarchal jurisdiction of the Roman see in general over our churches, or in particular, to show that the ordinations of our bishops or metropolitans in any degree belonged to the bishop of Rome. So far therefore our adversaries have entirely failed in their attempt.

“ THE SYNOD. Was the bishop of Rome ever

^u Dublin Review, ubi supra.

“ known to consecrate an archbishop of Canterbury?
 “ Let the holy synod remember the canon of the
 “ holy fathers at Nicea assembled, which secures to
 “ each church its pristine dignity. Inform us, there-
 “ fore, had not the bishop of Rome the right of
 “ ordaining you from ancient custom? ROMANISTS.
 “ We cannot deny that the bishop of Rome has,
 “ either by himself or others, confirmed and ordained
 “ our metropolitans. After St. Augustine and his
 “ immediate successors, appointed in virtue of au-
 “ thority from the apostolic see, other examples
 “ occur.”

BISHOPS OF BRITAIN. We can and do deny, that the patriarchs of Rome for many centuries after the time of St. Augustine, ordained or confirmed our metropolitans and bishops. From the time of the apostles till the twelfth century, amongst all the metropolitans of our churches, only two individuals were consecrated by the bishop of Rome or his legates. There is not a trace of such ordination in our churches during the ages which elapsed previously to the arrival of Augustine^x. Pope Gregory did not claim the ordination of that prelate, but wrote to the bishop of Arles to consecrate him bishop, and afterwards directed that in all future times the metropolitans of England should be appointed by their own provincial synods, as the sacred canons enjoin^y. And accordingly

^x Dublin Review, vol. v. p. 304.

^y See Stillingfleet, Origines Brit. c. iii.

^y See above, p. 119.

out of forty-one archbishops of Canterbury, from A. D. 597 to A. D. 1138, only two were consecrated by the bishop of Rome, i. e. Theodore of Tarsus in 668, and Plegmund in 889^a; the former of whom was only so ordained in a case of absolute necessity, as we shall presently see. Of the twenty-seven archbishops of York who lived from A. D. 625 to A. D. 1119, *not one* was ordained by the Roman pontiff or his legates^a. In the twelfth century, in consequence of disputed elections, which contending parties referred to Rome, the Roman pontiffs took occasion gradually to usurp the ordination of our metropolitans; but even in 1162, and in 1234, Thomas à Becket and Edmond Rich were elected and consecrated in England according to the ancient custom^b. Therefore the bishop of Rome

^a See Godwin, *De Præsulibus Angliæ*; Gervasius Dorobernensis, inter *Decem Scriptores*. Nothelm is also said by Hovedon, and Matthew of Westminster, to have been consecrated by Pope Gregory III., but the circumstance is not alluded to by the majority of historians, such as the Saxon Chronicle, Gervase of Canterbury, Birchington, Simeon of Durham, Radulphus de Diceto, Thorn, &c., and is therefore most dubious. Algenoth was also ordained at Rome according to Godwin; but Gervasius does not confirm this, but merely says that he went to Rome after his election, and received the pallium; and Simeon of Durham would lead us to suppose that he was consecrated, according to the usual custom, before he went there. "*Agelnothus archiepiscopus Romanivit, quem Benedictus Papa magno cum honore suscepit, et pallium illi dedit.*"

^a Vide Godwin, *De Præsulibus Angliæ*.

^b Ibid. Fleury, *Hist. Eccl.* liv. lxii. n. 58; lxxx. n. 33.

has no immemorial right to *consecrate* our metropolitans.

Nor has he any immemorial right to *confirm* their elections; for the learned Roman Catholic Thomassinus has proved, that the metropolitans of France, England, Spain, and Africa, up to the year 800, were not confirmed by the Roman patriarch, but by their own provincial synods^c. In particular he shows, that the confirmation and ordination of metropolitans in England was reserved to the English church itself, by Pope Gregory; and that the confirmation of the papal see was not to be waited for^d. In fine, he proves, that the confirmation and consecration of the metropolitans and bishops of the west, by the bishops of Rome, commenced in the tenth and eleventh centuries, in consequence of references being made to Rome to determine doubtful or disputed elections^e. It does not seem, indeed, that there is any clear instance of the pope's confirming the elections of English metropolitans, till the time of Richard, archbishop

^c Vet. et Nov. Ecclesiæ Disciplina, pars ii. lib. ii. c. 19. n. 9. "Metropolitani Galliarum, cum Primatem seu Exarchum non haberent, non tamen a Papa, sed a Concilio Provinciali confirmabantur. Probationes.—10. Probationes aliæ. Nec dissimilis erat Angliæ consuetudo.. 12 Nec à Vicariis apostolicis confirmabantur Metropolitani Galliæ.—13, 14. Par disciplina retinebatur in Hispania, Africaque."

^d Ibid. n. 10.

^e Vet. et Nov. Eccl. Discipl. pars ii. lib. ii. c. 43.

of Canterbury in 1174, and Hubert in 1191; in both which cases, the elections were disputed, and the difference referred to Rome. In the following century similar disputes afforded an opportunity to the popes to usurp the confirmation and even the election of English metropolitans.

So far were the Roman pontiffs from confirming the elections of our bishops and metropolitans generally in those ages, that they did not even confirm in cases when bishops were *translated*, and in which their interference would have been especially called for, had they possessed any power over our episcopal elections. On this subject Thomassinus has proved that in the time of Charlemagne and his successors, "The Gallican and the German churches always enjoyed the ancient right of making translations. And the Anglican likewise^f." With reference to our churches he writes thus: "The metropolitans, bishops, and kings in England, possessed the same power. Oswald, bishop of Worcester, was called to the see of York by the election of the clergy, the authority of Dunstan archbishop of Canterbury, and the command of King Edgar... Dunstan himself had formerly governed the same church of Worcester, from which he had been translated to London. 'At length the choice of

^f Vet. et Nov. Eccl. Discipl. pars ii. lib. ii. c. lxiii. n. 12. "Jure antiquo potiebatur semper ecclesia Gallicana, similiter et Germanica, faciendarum translationum.—13. Similiter et Anglicana."

“ all turned on Dunstan, and he was compelled to
“ undertake the bishopric of the aforesaid church
“ by the common acclamation of all’ (Surius, die
“ 19 Maii, c. 26—28). In fine, by the same force
“ of the divine vocation, and by the agreement
“ of the whole Anglican church, he was compelled
“ to undergo the burden of the primatial church
“ of Canterbury. ‘The unanimous choice of all
“ calls frequently for Dunstan, &c. By this accla-
“ mation, as by a divine voice, he was constrained,
“ &c.’ Nor can any one pretend, that these elec-
“ tions were unknown at Rome, and not discovered
“ to the pope; since Dunstan immediately set out
“ for Rome, to seek the pallium. Wulferus and
“ Odo, according to William of Malmesbury (l. i.
“ Pont. Angl.) the one bishop of Wilton, the other
“ of Wells, were advanced to the archiepiscopal
“ see of Canterbury, one succeeding the other . . .
“ Odo, having taken the monastic profession, re-
“ turned to England and his church of Canter-
“ bury, ‘when the assent of all the bishops was
“ added to the royal will.’ To him succeeded
“ Dunstan; to Dunstan, Ethelgar bishop of Chi-
“ chester; to Ethelgar, Elfrid bishop of Wilton;
“ to Elfrid, Siricius bishop of Winton; to Siri-
“ cius, Elphege bishop of Winton also; to him
“ Livingus bishop of Wells . . . Thus having viewed
“ France, Germany, and England, and observed
“ that the bishops and kings for the most part did

“not, except in France, *interpose the papal authority to confirm translations* . . . we next proceed “to Italy,” &c.^g

We therefore conclude, that the Roman pontiff has no right, by immemorial or ancient custom, either to ordain or to confirm our metropolitans or bishops ; and we are ready to refute any pretences to the contrary.

“ROMANISTS. Egbert, king of Kent, and Oswi of Northumbria sent Wigard to Rome, as venerable Bede informs us, to be consecrated archbishop of Canterbury by Pope Vitalian ; but he dying at Rome, the holy pontiff named, consecrated, and sent over Theodore in 668^h.”

BISHOPS OF BRITAIN. There was at this time only one other bishop in England : it was therefore necessary to send Wigard abroad for consecration ; and it was natural that the Saxons should call on the Roman church to aid them in this case of necessity. The extreme need of the church of England also justified Vitalianus in sending Theodore. But this was an extraordinary case.

“ROMANISTS. We have also evidence of *confirmation* in early times, as of Justus by Boniface V., who granted the archbishop power to “consecrate other bishops ; and of St. Dunstan,

^g Ibid. n. 13, 14.

^h Dublin Review, vol. v. p. 304.

“whom Pope John confirmed, and appointed his vicar. (See Eadmer, Hist. Nov. lib. iv.) In later times there could be no doubt that such superior jurisdiction was exercised¹.”

BISHOPS OF BRITAIN. Pope Boniface only granted Justus the pallium, thus acknowledging him to be archbishop of Canterbury²: there is no evidence of his confirming the election. As to Dunstan, we have already heard the learned Thomassinus alleging him as a proof, that the Roman see did not in those ages confirm translations. There is no mention of Dunstan, that we can see, in the work of Eadmer referred to: but in the life of Dunstan by that writer it is merely stated, that he went to Rome, obtained a pall, and was made legate of the holy see¹. There is no allusion to any act of confirmation by the pope. We do not deny that “*in later times*,” i. e. in the twelfth and thirteenth centuries, “such superior jurisdiction” was assumed by the Roman see.

“THE SYNOD. Was such jurisdiction willingly submitted to, or was it disturbed by protests, complaints, or otherwise? ROMANISTS. Although the clergy constantly complained of papal provisions, whereby vacant benefices were filled up by the court of Rome with strangers, we never read of any

¹ Dublin Review, vol. v. p. 304.

² Labb. Concilia, t. v. col. 1658.

¹ Eadmer. Vita S. Dunstani, apud Wharton, Anglia Sacra, t. i. p. 214.

"denial of the pope's authority to confirm archbishops by sending them the pallium^m, or of his jurisdiction over them, or of his having a legate in England, who took precedence and judged their decisionsⁿ. Till the time of Henry VIII. the patriarchal privileges and rights of the holy see were never impugned or disputed^o."

BISHOPS OF BRITAIN. "During the thirteenth and two following centuries, our clergy were ignorant of the ancient canons; the only collections then known being those of Gratian and Gregory IX., which included and were based on the false decretals. It is not to be wondered at, that under such circumstances, our clergy did not object to the papal confirmation of metropolitans, or to the

^m Thomassinus remarks that the necessity of demanding the pall, did not infer the right of the pope to confirm metropolitans; for "many archbishops consecrated in their provinces, have been unable to obtain the pall afterwards." Thus Malger archbishop of Rouen, and Stigand of Canterbury, in the eleventh century, were refused the pall on account of their vices. So also Thurstin archbishop of York. "So that," says Thomassinus, "the archbishops were then elected, confirmed, and ordained by the bishops synodically assembled, and finally they applied for the pall." *Vet. et Nov. Eccl. Discipl. pars ii. lib. ii. c. 43. n. 10.*

ⁿ The first synod held in England by a papal legate was in 1125, by John de Crema. But even in this case the summons went out in the name, and by the authority, of the Archbishop of Canterbury. Collier, *Eccl. History*, vol. i. p. 1318. Wilkins *Concilia Mag. Brit. t. i. p. 408.* Theobald archbishop of Canterbury was given by the pope the title of "Legatus natus" in 1138.

^o Dublin Review, vol. v. p. 394.

assumption of jurisdiction in other respects. They imagined that they were acting on the canons and precedents of the purest antiquity in so doing, while in reality they were merely guided by a series of forgeries of the eighth or ninth century. And as our bishops were thus entirely unconscious of their rights or duties in reference to the see of Rome ; their acquiescence could not afford any sanction to its usurpations."

" We have now arrived at the conclusion of the proofs adduced by the adherents of the Roman see, in favour of its right to confirm and ordain the metropolitans and bishops of our churches. We have seen, that the British and Irish bishops enjoyed this right independently of Rome for twelve centuries ; that the only exceptions were in cases of absolute necessity, or of disputed elections ; that the Roman pontiffs usurped these rights of our churches, without any formal consent of theirs, and by the aid of forged canons, when our predecessors were unacquainted with the laws of the Catholic church. We plead therefore, that their ignorance ought not to prejudice the rights of our churches, or to annul the sacred canons of Nice and Ephesus. The jurisdiction acquired by the see of Rome was an abuse ; a corruption, an unnecessary violation of the canons : and however excusable, under the peculiar circumstances of the case, could only be tolerated, until a fit opportunity arrived for its removal. Such an opportunity

was afforded by the conduct of the Roman see to Henry VIII.; and the British and Irish churches acted strictly according to the canons, in assisting the temporal power to reform the abuse of the Roman jurisdiction, and to restore the canonical privileges of our churches in the domestic appointment of their prelates. We have already shown, that such conduct was in perfect conformity with the principles of the Catholic church from the earliest period, and especially with those of the Roman patriarchs themselves, for twelve centuries^p. We now conclude, that the bishops and metropolitans of England and Ireland have been always canonically appointed since the time of Henry VIII.; that Mary was guilty of schism in expelling them; that the Roman pontiffs who assisted her were equally guilty; that Elizabeth acted rightly in expelling the usurpers intruded in their places; that the Roman pontiffs were highly criminal in attempting to disturb our churches, by causing separations from them, and ordaining bishops to the schisms thus formed. We again call for the protection of this venerable synod for the sacred canons outraged in our persons, and we appeal with confidence to its decision on the claims of our unhappy adversaries."

^p See above, section vii.

SECTION XI.

THE DECISION OF THE SYNOD.

"AFTER hearing the parties," says Dr. Wiseman, "a decree would have to be passed, based upon the "canons and usages of the church, as applied to the "case under discussion *." It would certainly be of a totally different character from that imagined by Dr. W. It would probably begin by stating, "That the decrees of the holy Fathers in the œcumenical synods, made in accordance with the law of our Lord Jesus Christ, secure the ancient and immemorial liberties and rights of all churches, whether patriarchal, metropolitan, or episcopal : that *usurpations* of authority by particular bishops over independent churches, had ever been condemned by the Catholic church, as contrary to the law of Christ, and fatally injurious to religion and to christian liberty : that such usurpations ought not to prevail over the sacred canons, or to deprive oppressed churches of their rights : that the canons of œcumenical synods universally approved, and established by a custom of twelve centuries' duration, gave the election, confirmation, and ordination of the metropolitans and bishops of Great Britain and Ireland to their own provincial synods : that,

* Dublin Review, vol. v. p. 305.

notwithstanding these immemorial and canonical customs, the bishop of the elder Rome had, in times of ignorance and error, succeeded in usurping the power of electing, confirming, and ordaining the metropolitans and bishops of Great Britain and Ireland, in violation of the sacred canons: that such a custom, however tolerated for a season by the Catholic church, in consequence of the difficulties of the times, could never become more than an abuse, which always demanded reformation: that therefore, the sovereigns and bishops of England and Ireland acted laudably and piously in reforming this abuse, and in restoring the ancient, immemorial, canonical, and indefeasible rights of their churches: that the opposition of the bishops of Rome to these measures was a renewed infringement of the sacred canons; and that the holy synod of Ephesus had long ago repealed and cancelled any pretended laws or rules which might be adduced in support of their claims^b.”

“Therefore the synod,” to use Dr. W.’s words, “*unless it turned its back upon all former decisions of the church*,” would be compelled to decide, “That the bishops who hold, and have held, by authority of the sacred canons, the sees of England and Ireland, have always, from the Reformation to the present time, possessed as plenary and entire

^b See the conclusion of the Decree of Ephesus above, p. 46.

^c Dublin Review, *ubi supra*.

ecclesiastical, hierarchical, and apostolical succession, authority, and jurisdiction, in matters religious and spiritual, as any other bishops of the Catholic church : that they are the legitimate inheritors or successors of those who held the sees of England and Ireland from the beginning to the time of the Reformation : that consequently, if any persons have separated from the British churches, and made assemblies or conventicles in opposition to these the legitimate and Catholic bishops, and assumed the title of bishops or clergy ; the holy synod declares that such are not bishops or ministers of Jesus Christ, and subjects them to anathema ; except they repent of their wickedness, and return to the obedience of their legitimate pastors."

The synod would afterwards address an epistle to "the bishop of Rome their beloved colleague," admonishing him, that "the law of Christ and the sacred canons forbid all bishops to intrude on the jurisdiction of others, and to excite divisions amongst the faithful : that the holy synod, having fully examined the cause of the archbishops and bishops of Britain and Ireland, had declared them to be legitimately possessed of their sees : that the synod, therefore, exhorts the holy archbishop of Rome no longer to interfere in the ordinations of those churches ; to attempt to bring them under his jurisdiction ; or to promote schisms and separations from their bishops ; and in fine, that the

synod enjoins him to abstain from all such proceedings in future, on pain of deposition from his see, and of excommunication in case of further contumacy."

Such, beyond a doubt, would be the decision of a general synod, constituted, as the ancient synods were, of bishops desirous of preserving the rights of churches sanctioned by the canons. How indignant would such a synod feel at the attempt to prove, that *usurpations* and *abuses* in direct violation of the canons, were, by mere existence for a time, to become as binding as the canons themselves, nay even to have greater authority,—“to prevail over” the decrees of œcumenical synods! How impossible that they should fail to remark the inconsistency of any appeal to the canons by those who hold, that their obligation is cancelled by the continuance of abuse and corruption; or of any appeal either to canon or custom by those, who assert that the Roman pontiff is not bound by either, but may dispense with the one or the other at pleasure.

SECTION XII.

DR. WISEMAN'S OBJECTIONS TO OUR ORDINATIONS, REFUTED BY
THE CASE OF THE CHURCHES OF ILLYRICUM AND SICILY.

BUT let us, since Dr. W. is thus disposed, appeal a little further to ecclesiastical history, in decision of the point to which he has directed his

attention. The assertion of Dr. W. is, that, even if the jurisdiction acquired by the Roman see in England, for three or four centuries before the Reformation, had been originally usurped or unsanctioned by the canons, it had still acquired by mere usage such force, that it was altogether unlawful to put an end to this jurisdiction; and that the bishops and metropolitans of England ordained thenceforward without reference to the Roman see, were mere schismatics and intruders, altogether devoid of any spiritual rights^a.

Is this theory supported by the practice of the ancient church and of the Roman see? Let us examine a little. The history of the churches of Illyricum furnishes a remarkably close parallel to that of the British churches. Both were originally independent for several centuries, and then subjugated by the usurpations of the see of Rome. Both were in the course of ages removed by the instrumentality of the temporal power from the jurisdiction of Rome, and placed under another jurisdiction. The bishops of Thessalonica had, from the time of Pope Siricius at the end of the fourth century, been constituted vicars of the Roman see over the civil diocese of Eastern Illyricum, comprising the provinces of Achaia, Thessaly, Epirus, Crete, the two Macedonias, and other provinces^b. These

^a Dublin Review, vol. v. p. 297.

^b Stillingfleet, *Origines Britannicæ*, chapter iii. p. 115. Thomassinus, *Vet. et Nov. Ecclesiæ Disciplina*, pars i. lib. i. c. 18.

bishops had been enjoined by the Roman see to permit no ordinations of bishops or metropolitans without their sanction^c; and to hear appeals from all the provinces of Illyricum, referring the more difficult to Rome^d. We afterwards find Vigilius constituting the bishop of Justiniana vicar for western Illyricum, and Gregory the Great confirming the election of a bishop of that see^e. Pope Boniface confirmed the appointment of Perigenes to the metropolitan see of Corinth^f, and Vitalianus restored to his see the bishop of Lappa in Crete, who had been deposed by his metropolitan^g. In short, from the end of the fourth to the middle of the eighth century, the popes exercised authority over the appointment of metropolitans and bishops in those provinces, either directly, or by means of their vicars the bishops of Thessalonica and Justiniana, to whom they sent the pallium, as they formerly did to the English and Irish metropolitans.

In the middle of the eighth century, the emperor Leo Isaurus, offended at the turbulent conduct of Popes Gregory II. and III. in the affair of images, and at their fomenting disturbances in Italy, withdrew from the jurisdiction of the see of Rome all Illyricum, Macedonia, Thessaly, Epirus, Achaia, Crete, and Servia; together with the pro-

^c As Anysius was directed by Siricius. See Le Quien, *Oriens Christianus*, t. ii. col. 8.

^d *Ibid.* col. 9.

^e Le Quien, *Oriens Christ.* t. ii. col. 21.

^f Socrates, *Hist. Eccl. lib. vii. c. 36.*

^g Le Quien, col. 23.

vinces of Calabria and Sicily, which had been from time immemorial subject to the Roman patriarchate; and subjected the whole to the patriarch of Constantinople, by whom the metropolitans and many of the bishops of those churches were from thenceforward ordained ^h.

Now, let us observe the conduct of the church in general under these circumstances. Do we find that there was even a doubt expressed by any one, whether the hierarchy of all these provinces were canonically ordained? Which of the Roman pontiffs themselves hinted at such a thing? When did they or their adherents argue, that the faithful in Illyricum, in Sicily, and Calabria, were deprived of the sacraments, and devoid of a Christian ministry, because their bishops were no longer confirmed or consecrated by the bishop of Rome or his vicars? The answer is easy:—the succession and jurisdiction of the metropolitans and bishops in those provinces were never called in question. They were recognized as Catholic bishops by all the eastern patriarchs and churches, and never rejected by the western; and what is more, they sat undisputedly as judges of the faith, in two synods, which are accounted œcumenical by the see of Rome. In the synod of Nice, under Irene, in 787, which the eastern churches and the Roman pontiffs term

^h See Le Quien, *Oriens Christ.* t. ii. col. 24, 25. Fleury, *Hist. Eccl. lib. xlv. n. 24.*

“the seventh œcumenical synod,” there were many bishops and metropolitans of Illyricum, Epirus, Crete, Sicily, Apulia, and the other provinces taken from the see of Rome¹. These bishops sat in the council without any objection on the part of the Roman bishop, or of his legates there present. The bishops of Sicily even took the lead in the first action of the synod, requesting that the patriarch Tarasius should commence the proceedings; and the synod said, “Let what the most religious bishops (of Sicily) have requested, be granted,” &c.² thus distinctly acknowledging them as bishops of the Catholic church, notwithstanding that Sicily had for forty years been transferred from the jurisdiction of the see of Rome.

In the synod of Constantinople, under Ignatius, in 869, which the Roman church styles “the eighth œcumenical synod,” we again find many metropolitans and bishops of Illyricum, Macedonia, Epirus, Achaia, Thessaly, Sicily, &c., sitting and voting without any objection, on the part of the legates of Pope Nicholas, or of the synod itself¹. It is impossible to imagine a more complete recognition of the apostolical jurisdiction of these prelates; and yet it is undoubtedly true, that they, like our bishops, had for some centuries been subject to the Roman see; that they were transferred to another

¹ See Labb. Concilia, t. vii. col. 39, &c.

² Ibid. col. 48.

¹ Labb. Concilia, t. viii. col. 1156, &c.

jurisdiction chiefly by the temporal power; and that the patriarchs of Rome did not cease continually to urge their claim to ordain bishops for those churches ^m.

The practice then of the Roman see, and of the Catholic church generally in those ages, establish the following principles: first, that if provinces have been subjugated for some centuries by a patriarch, without any sanction of the sacred canons; and if the temporal power afterwards place them under another jurisdiction, transferring the power of ordaining their metropolitans and bishops from the former patriarch to some other bishop; such provinces do not become schismatical, nor are their bishops or metropolitans devoid of apostolical succession and jurisdiction. Thus, the case of the Illyrican provinces bears directly on the case of our churches, and triumphantly clears them from

^m Thus Pope Hadrian writes to the Emperor Constantine and Irene before the synod of Nice, "*Imo et consecrationes archiepiscoporum seu episcoporum, sicut olitana constat traditione nostræ diœcesis existentes penitus canonice, sanctæ Romanæ nostræ restituantur ecclesiæ.*" See Labb. Concilia, t. vii. col. 117. He afterwards wrote to the emperor, that he should regard him as a *heretic*, unless he should restore the ordination of the archbishops of Illyricum, and the bishops of Calabria and Sicily to the Roman church. See Le Quien, Oriens Christ. t. i. col. 96. We have an epistle of Pope Nicholas I. also demanding the restitution of the provinces of Calabria and Sicily, and the right of ordaining the archbishop of Syracuse, "according to apostolical tradition;" but all in vain. See Le Quien, col. 97.

all the objections of Dr. W. Secondly: the case of Sicily is still stronger. It establishes this principle, that, even when churches have been subject, *from time immemorial*, to a patriarch, and are at length, for reasons of state, placed by the temporal power under the jurisdiction and ordination of another; the churches thus transferred do not become schismatical, nor are their ordinations uncanonical. And the reason of this doubtless was, that the will of the sovereign created a case of *necessity*, in which the obligation of the former custom, however canonical, was dispensed with.

Hence it may be concluded, that the judgment of the Catholic church in those ages is distinctly in favour of the lawfulness of our ordinations; that bishops, circumstanced like ours, were then admitted on all hands to be canonically possessed of jurisdiction, and capable of all spiritual acts whatever; and consequently, Dr. W.'s whole objection to the apostolical succession of our episcopacy falls to the ground.

SECTION XIII.

THE PLEA FOR JURISDICTION ADVANCED BY ROME, ON THE
GROUND OF HAVING CONVERTED ENGLAND, REFUTED.

LET us again consult the records of the church, to determine the value of a plea commonly advanced, and alluded to by Dr. W.^a, by which the right of the Roman see to exercise jurisdiction over our churches, is argued from the alleged fact, that our ancestors, the Britons and Anglo-Saxons, were converted to Christianity by missionaries sent from Rome. I shall not here dispute the *fable* of Pope Eleutherius sending missionaries to convert the Britons; nor is it necessary to dwell on the fact, that the Anglo-Saxons were chiefly converted by bishops and missionaries from Ireland, who were not authorized to act by the Roman see. Let us suppose, for a moment, that Christianity was in fact introduced, and our churches founded, by missionaries from Rome. Would such circumstances have necessarily or equitably conferred on the see of Rome a right of patriarchal jurisdiction? It is most fully admitted, that a nation converted to Christianity through the Christian benevolence of a foreign bishop, owes to him personally a large return of gratitude, love, and veneration; but on what principle of equity it can be proved, that such a nation, when formed into churches, and governed

^a Dublin Review, vol. v. p. 302.

by its own bishops, is bound to place itself *under the jurisdiction* of this benefactor, it would be difficult to conceive. Still less is it conceivable, that the gratitude due to the original benefactor is equally the right of all succeeding bishops in his see ; and that *obedience*, as well as gratitude, is due to them. Were this the case ; were it incumbent on all churches to become subject to those sees which had been instrumental in founding them, and giving them bishops, this most serious evil would result. *Disinterested* Christian charity could no longer be attributed to those bishops who laboured for the extension of Christ's kingdom. The glory of the Redeemer would no longer seem to be the sole object which stimulated their zeal ; and the desire of self-aggrandizement might be suspected to mingle its degrading and unhallowed influence in their most laudable acts.

But we turn to the history of the early church, to trace its sentiments on this point. Dr. Wiseman will not deny that Palladius and Patrick were commissioned by Pope Cælestinus to preach the gospel in Ireland, and that the conversion of that nation was the result ; and yet, the see of Rome acquired no patriarchal jurisdiction over Ireland in consequence. From the time of Cælestinus, in 430, to the twelfth century, the Irish church retained its independence. Its bishops and metropolitans were appointed without reference to the see of Rome : they were not summoned to its patriarchal

synods. Appeals from their decisions were not carried to Italy. Not even a vicar of the Roman see was appointed in Ireland. In short, there is no evidence that the bishops of Rome had any sort of patriarchal jurisdiction over the church of Ireland for six or seven centuries after it had been founded by missionaries from Rome.

In the third century, when Christianity had made but little progress in France, the bishop of Rome sent into that country several bishops, who fixed their sees in various parts of the country, and preached the gospel there^b. Did this invest the bishop of Rome with patriarchal jurisdiction in France? No: the metropolitans and bishops of that country remained for ages afterwards independent of the see of Rome. They were not ordained by the popes^c, nor summoned to their patriarchal synods, nor did they permit appeals to Rome^d. It was not till after the seventh or eighth century that they became really subject to Rome.

The conduct of the popes themselves plainly shows that they did not recognise any right of patriarchal jurisdiction, as flowing from the conversion of heathen nations.

^b Gregorii Turonens. lib. i. c. 28. x. c. 31. De Gloria Confessorum, c. 30.

^c De Marca, de Concordia Sacerdotii et Imperii, lib. iv. c. 4.

^d Baluzii Præfat. ad Anton. Augustin. lib. de emendatione Gratiani.

The Bulgarians, a barbarous and heathen nation, had subjugated the Christian provinces of Epirus, Thessaly, and Dardania, forming part of the ancient civil diocese of Illyricum; when, in the latter part of the ninth century, their king, influenced by the long prevalence of famine, by the exhortations of his sister, who had been converted to Christianity at Constantinople, and of two Greek monks, named Theodore Couphara and Methodius, embraced the Christian faith, and sent to the emperor of Constantinople for a bishop, who, on his arrival in Bulgaria, baptized the king^e. This prince subsequently exhorted his subjects to become Christians, and accordingly they were baptized by Greek priests^f. This occurred in the year 865; soon after which, the king of Bulgaria sent to the king of Germany to ask for a bishop and priests to assist in the work of evangelizing his people^g. He addressed a similar request to Pope Nicholas I., who eagerly availed himself of the opportunity to

^e Georgii Cedreni Hist. Compendium, p. 540, 541, ed. Paris, 1647.

^f It appears from Pope Nicholas' reply to the consultation of the Bulgarians (c. 17), that they had all been already baptized. "Igitur referentes, qualiter divinâ clementiâ Christianam religionem perceperitis, qualiterque *populum vestrum* baptizari *omnem* feceritis." See Labbe, Concilia, t. viii. col. 516. From c. 14. 54, 55, 57, 77, it is evident that they had received instruction from the Greek church before the pope interfered with them.

^g Annales Bertiniani, 866. Metenses, 868.

send two Italian bishops into Bulgaria¹, who prevailed on the king to *banish* the Greek missionaries^k who had first preached the gospel there and baptized the inhabitants. From this time, the popes claimed jurisdiction over Bulgaria, without paying the slightest regard to the prior claim of the see of Constantinople to the honour of having converted this people. Indeed the subsequent refusal of Ignatius and Photius, patriarchs of Constantinople, to relinquish their jurisdiction over Bulgaria to Rome, was the principal cause of the disputes between those patriarchal thrones.

Thus it appears that the popes rejected, in the case of the Bulgarians, that plea for jurisdiction founded on conversion, which their adherents now so frequently advance, to establish their claims over England.

But if we examine this case a little closer, it will furnish a still more evident justification of the church of England. The Roman pontiffs based their claim to jurisdiction over Bulgaria on the fact, that Illyricum, which the heathen Bulgarians had subdued, had *formerly* been subject to the see of Rome¹; and they considered this claim valid,

¹ Anastas. Biblioth. in vita Nicolai P. Labb. Conc. t. viii. col. 265.

^k Ibid. col. 266.

¹ In the conference at Constantinople in 870, on the question concerning the right of jurisdiction over Bulgaria, "*Legati sanctæ Romanæ ecclesiæ responderunt: Sedes apostolica, juxta quod*

although the see of Constantinople had subsequently acquired jurisdiction over Illyricum, to the exclusion of that of the Roman pontiffs. The subjugation of those provinces by a heathen nation, and the conversion of that nation by Greek missionaries, made no alteration in the rights of the pontiffs in their own opinion^m. Now this applies exactly to the case of Britain. Subject to its own metropolitans for several centuries, it had been afterwards subdued by the pagan Saxons. But this invasion; the subsequent conversion of the invaders by the missionaries of Rome; and the temporary acquisition of jurisdiction in England by the papacy, did not impair the original rights of the English churches and metropolitans. Their claim always remained in its full force, and they

decretalibus sanctissimorum Romanorum præsulum doceri poteritis, utramque Epirum, novam videlicet, veteremque, totamque Thessaliam, atque Dardaniam, in qua et Dardania civitas hodie demonstratur, cujus nunc patria ab his Bulgaris Bulgaria nuncupatur, antiquitus canonice ordinavit et obtinuit." Anastas. Vita Hadriani. Labb. Conc. t. viii. col. 893.

"Nullus autem ignorat," writes Pope John VIII. to the patriarch Ignatius, "regionem Bulgarum a sanctæ memoriæ Damaso papa, et deinceps usque ad paganorum eruptionem a sedis apostolicæ præsulibus, quantum ad ecclesiasticæ provisionis attinet privilegium, moderatum." Joh. P. Ep. lxxviii. Labbe, Conc. t. ix. col. 63, 64.

^m See the epistle of Pope Hadrian in 871 to the Emperor Basil, Conc. t. viii. p. 1174; also those of Pope John VIII. to Michael king of Bulgaria, Labb. t. ix. col. 62; to Ignatius, ib. col. 63; to the Greek bishops and clergy, ib. col. 65; and to Photius. col. 143.

were entitled to assert that claim whenever a proper opportunity presented itself.

Several other instances of the same disregard of the Roman pontiffs for prior occupation might be pointed out. What has been said, however, will suffice to show, that neither the Catholic church generally, nor the Roman pontiffs in particular, have ever acknowledged the principle, that any patriarch or bishop who may have been instrumental in converting the heathen, acquires a perpetual right of jurisdiction for his see, over the churches so founded.

SECTION XIV.

DR. WISEMAN'S OBJECTION TO THE EXPULSION OF MARY'S BISHOPS, AND TO THE APPOINTMENT OF OTHER BISHOPS, AS PERFORMED BY INCOMPETENT AUTHORITY, PROVED TO BE INCONSISTENT WITH THE DOCTRINE AND PRACTICE OF THE CATHOLIC CHURCH.

I PROCEED to examine the next objections advanced by Dr. W. against our apostolical succession, founded on the alleged defect of spiritual power in the appointment of bishops at the accession of Queen Elizabeth. He argues thus:

“But there is an argument, or objection, or insinuation, in the Tract so often alluded to, that calls for our notice, before concluding this portion of our task. It consists in the remark

“ quoted above, that the bishops appointed by
 “ Mary were usurpers, and that in the succession
 “ of Queen Elizabeth, the true successors of the
 “ apostles in the English church were re-instated
 “ in their rights. As we are in our granting vein
 “ to-day, we are disposed, for argument’s sake, to
 “ suppose that the bishops put into the English
 “ sees under Mary *were* intruded, though the canons
 “ in force in the church and in England, till Henry
 “ violated them, were observed in their appoint-
 “ ment. And even so we ask, Who deposed them?
 “ Who re-instated the others? Who were re-
 “ instated? For these are matters requiring ample
 “ explanation, before any but the rude and simple
 “ will acquiesce in the assertion of the writer.
 “ Who removed Mary’s, or rather the Roman
 “ pontiff’s bishops? Did the English church?
 “ Who formed this church, if the sixteen deposed
 “ bishops did not?” (What, Dr. Wiseman! could
intruders and schismatics, as you have admitted
 them to be, form any part of the church?) “ But
 “ what act was there that could be called an act of
 “ the English church, removing one archbishop and
 “ fifteen bishops, leaving *one* in his see, omitting
 “ another (Coverdale) who had been deposed by
 “ Mary, and placing two others in sees which
 “ they had not before occupied *?”

Let us reply to these questions at once. First,

* Dublin Review, vol. v. p. 306.

Mary's bishops were removed by the *sovereign* of England. Is this answer sufficiently explicit? Secondly, There was no necessity for any act of the English church to "*leave*" the bishop of Llandaff in possession of a see which he held legitimately; nor to "*omit*" a bishop, who, being *de facto* without a see, did not wish again to undertake the responsibilities of the episcopate. As to the case of those exiled bishops who were now placed in new sees, it will be considered presently. But to proceed with Dr. Wiseman's objections.

"Parker, the new metropolitan, could not be said to re-instate nor to form the hierarchy, not being himself consecrated. And if, as these writers pretend, at the Reformation a return was made to the ancient rules, and the Anglican church only vindicated its rights as accorded to every church by the early councils, let them show us the canons, whereby the deprivation of bishops, and the appointment of new ones by letters missive, are granted to the civil rulers ^b."

We do not *pretend* that archbishop Parker could re-instate or form the hierarchy before his own consecration. We shall presently see, that the hierarchy, according to the canons, existed before his consecration or that of any of the new bishops. The demand to produce *canons* for the deprivation of bishops by the civil power is merely captious,

^b Ibid.

because, as Dr. Wiseman must be well aware, the church never in her canons makes provision for extraordinary cases. Such cases must be judged of by her practice and precedents. The canons always relate to ordinary discipline, and we fully concede, that according to that ordinary discipline, bishops generally ought to be deposed by their metropolitans and provincial synods. But we proceed with our author.

“ Let them be, therefore, consistent. If they
 “ allow the authority of Elizabeth to act as she
 “ did, let them admit that of Mary to act simi-
 “ larly; and moreover let them give us their war-
 “ rants for such authority in the ancient church to
 “ which they appeal.”

This call we shall immediately answer with pleasure: first premising, that while we admit Mary's *right* to “act similarly” to Elizabeth, we positively deny that she did so in fact; for Mary expelled bishops who were legitimately and canonically possessed of sees, and intruded pastors during their life-time, who were also appointed by authority of the bishops of Rome, contrary to the canons of the fathers then in force in England; while Elizabeth merely expelled those whom Dr. Wiseman himself admits to have been *intruders*. This renders the two cases very widely different. But we proceed to respond to Dr. Wiseman's challenge, and to pro-

° Ibid.

duce precedents for the expulsion, by the temporal power, of intruders from the sees they unlawfully occupied.

When Lucius had been ordained bishop of Alexandria by a synod in Syria, in opposition to the legitimate bishop Peter, and had been intruded into the possession of that see by the authority of the emperor Valens^d, he was expelled by the people of Alexandria^e.

Many orthodox bishops having been expelled from their sees, and Arians having been intruded in their place, during the reign of Constantine, they were restored to their sees by his sons^f. The Emperor Jovian, on his accession in 363, called back all the exiled bishops whose sees had been usurped by Arians^g; and commanded all the churches to be handed over to them and their communion^h, thus expelling all the intrusive bishops without ceremony.

^d Socrates, *Hist. Eccl.* l. iv. c. xxi. Sozomen, l. vi. c. xix. Theodoret, l. iv. c. xxi.

^e Socrates, *Hist. Eccl.* l. iv. c. 37.

^f See Athanasii *Hist. Arian. ad Monachos*, *Oper. t. i. p.* 345—349. Fleury, xii. 3.

^g Gregory and George were intruded at Alexandria. Socrates, *Hist. Eccl.* l. ii. c. x. xiv. The orthodox bishops generally were expelled by order of Constantius, and intruders were ordained. Athanasii *Apologia De fugâ t. i. p.* 321, &c. Many Arians were intruded in all parts of the church. See Fleury, *Hist. Eccl.* l. xiv. n. 23.

^h Theodoret, *H. E.* l. iv. c. 2.

When Ursinus was ordained bishop of Rome in opposition to the legitimate bishop Damasus, there was no formal deposition of him by the spiritual power. He was sent into exile by the Prefect of Romeⁱ.

When a number of the orthodox bishops were expelled by the Emperor Valens^j, and Arians intruded into their sees^k, the Emperor Gratian, on his accession, made a *law* to expel all the Arians from their churches, and to re-establish the exiled bishops^l.

In 452 Theodosius usurped the see of Jerusalem, and having compelled the legitimate patriarch to fly, he consecrated bishops, and held the see for twenty months^m: after which *the Emperor* restored the legitimate patriarch, and drove out Theodosiusⁿ.

During the absence of Martyrius bishop of Antioch in 471, Peter the Fuller excited a division in that church, alleging that the patriarch was a Nestorian; and when the latter had resigned in consequence of the insubordination and disobedience of his clergy and people, Peter usurped the see

ⁱ Vita Damasi ex libro pontificali, Labb. Conc. t. ii. c. 859, 861.

^j Sozomen, Hist. Eccl. l. vi. c. 12.

^k Fleury, Hist. Eccl. liv. xvi. n. 32, 33. 35; xvii. n. 32.

^l Theodoret, H. E. l. v. c. 2.

^m Evagrius Scholast. Hist. Eccl. l. ii. c. 5.

ⁿ Nicephorus Callistus, Hist. Eccl. l. xv. c. 9.

of Antioch^o; but *the Emperor* immediately expelled him, and another bishop was ordained in his place^p.

One more case I will mention, because it manifests most distinctly not only the practice of the clergy generally in those ages, but the sentiments even of the bishops of Rome. Timothy Ælurus, having been intruded by the Eutychian party into the see of Alexandria, during the life-time of the legitimate bishop Timothy Solofaciolus^q, was expelled by the Emperor Leo, after he had ascertained by inquiries that his ordination was illegitimate^r. He was restored after some time by the Emperor Basiliscus^s; and though the Emperor Zeno, on his accession, was desirous of expelling Ælurus again from the see of Alexandria, he was induced for the sake of peace to wait for the death of the intruder, which was speedily expected^t. When Ælurus died in 478, his party immediately elected and ordained Peter Mongus to the see of Alexandria, although Timothy Solofaciolus the legitimate bishop was still living. When the em-

^o Theodorus Lector, Hist. Eccl. l. i. p. 554. ed. Valesii.

^p Brev. Hist. Eutych. apud Labb. Conc. t. iv. col. 1082.

^q Theodorus Lector, H. E. l. i. p. 553. Evagrius, l. ii. c. 8. p. 299. ed. Vales.

^r Liberatus, Breviarium, c. 15, 16. Labb. Concilia, t. v. col. 763, 765.

^s Evagrius, H. E. l. iii. c. 4. Theodor. Lect. l. i.

^t Evagrius, l. iii. c. 11. Fleury, Hist. Eccl. l. xxix. n. 50.

peror was informed of these proceedings, what was his course? Did he, or any one else imagine, that a synod was necessary for the deposal of the intruder? The emperor sent immediate orders to Anthemius governor of Egypt to *expel Peter*; to punish those who had ordained him; and to establish Timothy Solofaciolus in the see of Alexandria, which was accordingly done^u. The emperor also commanded all the *bishops, clergy, and laity* of Egypt to return in two months to the communion of Timothy, on pain of being *deprived of their honours and churches*; and *declared null* all the ordinations of Timothy Ælurus and Peter Monigus^v. These proceedings were most highly approved by the church generally. The patriarch of Alexandria sent clergy to Constantinople to thank the emperor^w, and Pope Simplicius testified the greatest satisfaction, and applauded the emperor's conduct^x.

Dr. Wiseman, like the rest of his party, may blame the exercise of such authority by Christian princes, but we would remind him, that if Christian emperors had not expelled the Arian and Eutychian usurpers from the sees of the Catholic church, the Catholic faith would have been in

^u Liberatus Breviar. c. 16. Evagrius Scholasticus, Hist. Eccl. l. iii. c. 11.

^v Felix, Ep. i. ad Acacium, Labb. Conc. t. iv. col. 1050.

^w Liberatus, ubi supra.

^x Simplicii Pap. Epist. xiii. ad Acacium, Labb. t. iv. col. 1032.

extreme peril. The church was saved, under God, by these salutary proceedings. And on what *principle* may we justify such proceedings? On the very principle so emphatically laid down by Dr. Wiseman himself, that "any appointment to a bishopric which is at variance with the canons actually in force in the church is unlawful, and leaves the bishop so appointed, *void of all jurisdiction and power*," and that in the dealings of the ancient church with such persons, "there is no question of *removing* or *deposing*, but such bishops were not supposed to *have ever possessed any jurisdiction from the beginning*, and consequently were not considered to be partakers of the apostolical authority transmitted by legitimate succession²." In fact Dr. Wiseman himself states distinctly, that bishops named contrary to apostolical tradition and the canons of the churches, and "thrust into the sees of bishops first imprisoned and deposed by the arm of secular power," receive nothing but a "mere civil dignity¹." If then usurpers and intruders have no spiritual jurisdiction whatever; if they are not bishops or successors of the apostles, there cannot be any wrong, any usurpation of spiritual power on the part of the sovereign who expels such usurpers and restores the legitimate bishops.

These specimens of the mode of dealing with intruding and schismatic bishops in the ancient

¹ Dublin Review, vol. v. p. 290.

² Ibid. p. 291.

³ Ibid. p. 307.

church, will suffice to meet Dr. Wiseman's call for examples justifying the conduct of Queen Elizabeth in expelling "the Roman pontiff's bishops." The cases are perfectly similar. These bishops had, like the Arian Lucius, the Eutychian Theodosius, Ælurus, and Mongus, been intruded into the sees of England during the life-time of the legitimate bishops of those sees, uncanonically expelled by the temporal power for no fault, or by the delegates of the Roman see, acting on an usurped and uncanonical power. They had been ordained or translated without the consent, and in opposition to the wishes, of the metropolitan (Cranmer), who was violently persecuted, and at length burnt to death. They had taken a share in the unjust expulsion and cruel murder of hundreds of bishops, clergy, and laity. They had been aiding and abetting in the overthrow of the sacred canons, which preserved the liberties of these churches, and in the introduction of the papal usurpation which was directly contrary to them. In fine, they had been nominated to their sees by the authority of the pope, which nomination being contrary to the canons was null and void *ab initio*.

If ever there was a case of unchristian violence, of persecution, of schism, it had been here. The holy Athanasius was not more violently persecuted by the synod of Tyre; nor was the pious Flavianus more cruelly assailed by Dioscorus and his adherents in the Latrocinium of Ephesus. Yet the violence and cruelty of these synods, annulled

at once all their authority. The same justice which called for the restoration of Athanasius, and the punishment of Dioscorus, likewise demanded the expulsion of those usurpers and homicides who had invaded the episcopal thrones of England.

I do not, indeed, attribute equal guilt to every one of the "Roman pontiff bishops" who were expelled at this time. One or two were only tainted by their connexion with the remainder; by their making common cause with schismatics and usurpers. But the justice of the case; the ancient practice of the Catholic church; the sovereign's duty to protect the church, to punish the guilty, and reward the innocent, all concurred in requiring the expulsion of the usurpers, and the restoration of the remnant of the persecuted and exiled bishops of the faithful.

Dr. W. seems to deny that the exiled bishops were competent to re-instate or to form the hierarchy of England, as he supposes the temporal power alone to have acted in this case.

True it is that years of persecution had sorely diminished the number of our bishops. Some had perished by the cruel hands of the schismatics; others had died in their exile in foreign lands: but still a remnant of the legitimate episcopate returned to rebuild the broken walls of Sion. Let not Dr. Wiseman taunt us with the small number of our bishops who had survived the persecutions of Rome, and the cruelties of her who was justly called "the bloody queen." They were in every respect equal to

the task of putting an end to the troubles of our church, and restoring the apostolical succession in all its authority and sanctity.

The English and Irish bishops who were engaged in reconstructing the hierarchy of England had been expelled unjustly and violently from their sees by the temporal power; but such bishops, according to the canons and practice of the Catholic church, *still* continued, as before, the legitimate bishops of those sees, and were as perfectly invested with spiritual jurisdiction, as if they still had been in actual possession. Such was decidedly the principle of the Catholic church. Bishops unjustly deposed and expelled were always held to be invested with real spiritual power. The synod of Sardica decreed that all such persons who had been unjustly expelled on account of their maintaining the truth, ought to be received, wherever they went, with benevolence and charity^b. When St. Athanasius had been *deposed* by the synod of Tyre, and exiled to Treves, and had been afterwards sent back to his church by the Emperor Constantine the Younger in 338, as

^b "Osius episcopus dixit; Suggestente fratre et coëpiscopo nostro Olympio, etiam hoc placuit, ut si aliquis vim perpessus est, et inique expulsus pro disciplina et Catholica confessione, vel defensione veritatis, effugiens pericula, innocens et devotus, ad aliam venerit civitatem, non prohibeatur immorari, quam diu aut redire possit, aut injuria ejus remedium acceperit: quia durum est eum, qui persecutionem patitur, non recipi; etiam et larga benevolentia et humanitas ei est exhibenda. Conc. Sard. can. xvii. apud Beveregii Synod. t. i. p. 574.

its lawful bishop^e; he entered again on the exercise of his office as bishop of Alexandria without being restored by any synod^d.

The synod of Alexandria of one hundred bishops assembled in A. D. 340, did not think it necessary to restore St. Athanasius to his see: they merely justified him from the crimes imputed to him by the Arians, and acknowledged him as bishop^e; and he was from that time generally recognised by all bishops^f.

Asclepas bishop of Gaza, and Marcellus bishop of Ancyra, who had been deposed by the Arians, were restored to their sees in the same manner, without any synod. When Athanasius had been again expelled by the Emperor Constantius, and Gregory ordained in his place by the synod of Antioch in 341, his cause was heard in the synod of Rome, and he was received into communion, and acknowledged as bishop. The synodical epistle, after stating the proofs for his innocence, adds: "What then was our duty? What was required by the canons of the church? Was it not our

^e Theodoret, Hist. Eccl. l. ii. c. 2.

^d This was objected to him by the Arians. See Fleury, Hist. Eccl. l. xii. c. 4.

^e They call him *συλλειτουργὸν ἡμῶν Ἀθανάσιον*, "our fellow-minister Athanasius;" and speak of *Ἀθανασίου τοῦ ἐπισκόπου*, "bishop Athanasius." See Epist. Synod. Conc. Alexandr. Labb. Conc. t. ii. col. 533, &c.

^f Julii P. Epist. Labb. t. ii. col. 506.

duty, not to condemn the man, but rather to receive him, and to account him a bishop, as we have accordingly accounted him^ε?" The same principle was extended to Marcellus bishop of Ancyra, who had also been unjustly deposed and expelled by the Arians^h.

In 356 George was intruded into the see of Alexandria, and Athanasius was compelled to fly, and to conceal himself from the persecution of the Arians for several years, in the deserts. When the usurper died in 362, Athanasius returned to his see, re-assumed the episcopal office, held a synod of the orthodox bishops who had been exiled, in which a number of regulations concerning faith, and for the peace of the church, were madeⁱ, and acted thus in the *plenitude of episcopal power*, without being restored to his see by any synod.

The synod alluded to, consisted of about twenty bishops, who had been all deprived of their churches and exiled^k; yet we find these orthodox bishops acting at once as if they had never lost their jurisdiction.

When the Arian Lucius was intruded into the see of Alexandria in 373, and the orthodox bishops

ε 'Αλλὰ μᾶλλον ἀποδέξασθαι καὶ ἔχειν αὐτὸν ἐπίσκοπον ὥσπερ καὶ εἶχομεν. Julii Epist. ad Orient. Labb. Conc. t. ii. col. 505.

^h Ibid. col. 501.

ⁱ See their Synodical Epistle, Labbe, Concilia, t. ii. col. 809, &c.

^k Fleury, Hist. Eccl. l. xv. n. 26.

of Egypt were expelled from their sees, and driven into exile, Moses, elected bishop of the Saracens, refused to be ordained by Lucius, and would only receive ordination from the exiled bishops. And those bishops accordingly, though deprived of their churches in fact however unjustly, did *actually ordain* Moses bishop of the Saracens¹.

On the same principles acted those multitudes of orthodox bishops, who, after being deposed or expelled from their sees by the Arians or other heretics, were restored by the *laws* of the emperors Jovian, Gratian, Theodosius, and others above mentioned, and resumed at once the possession of their sees, as if they had never lost their jurisdiction.

Such too was the principle laid down by Pope Nicholas, in his decree relative to Ignatius patriarch of Constantinople, who had been deposed from his see. He there declares, that the deposition being unjust and illegitimate, Ignatius was then, and always had been, a legitimate bishop^m.

¹ Socrates, Hist. Eccl. l. ii. c. 36. Sozomen. l. vi. c. 38.

^m "Reverentissimum et sanctissimum fratrem et coëpiscopum Ignatium sanctæ Constantinopolitanæ ecclesiæ patriarcham . . . decernimus unquam nec fuisse nec esse depositum, vel anathematizatum, tanquam qui ab Imperiali potentia sit absque ulla canonica auctoritate pulsus ecclesia, et tanquam qui ab alligatis nullo possit haberi vinculo colligatus, et ab eis qui nullam eum judicandi potestatem, vel ab Apostolica sede auctoritatem habuerint, et nulum sui honoris discrimen pati debuerit." Nicol. Pap. ad Michael. Imper. Labb. Conc. t. viii. col. 288; see also Col. 382.

The doctrine of Dr. Wiseman himself manifestly supports this conclusion ; for if, as he allows, a schismatical and uncanonical ordination confers no spiritual powerⁿ, it surely may be inferred equally, that a schismatical or uncanonical deprivation takes away no spiritual power. If injustice vitiates the one act, it must vitiate the other also.

We now come to the application of these principles to the case of the exiled hierarchy at the accession of Queen Elizabeth. They were then reduced to five or six bishops. Barlow had been forced by Queen Mary to resign his see by threats and intimidation, and an intruder was ordained by authority of the Roman pontiff contrary to the canons. Coverdale had been expelled from his see of Exeter by the temporal power ; and a usurper, who had been constituted several years before by the bishop of Rome, assumed his place. Two suffragan bishops of the province of Canterbury, who had been driven from their jurisdictions by persecution also survived ; together with bishop Scory, who had been translated to the see of Rochester after the expulsion of its former pastor, and had been informally expelled by Mary ; and Bale, bishop of Ossory, in Ireland, who had also been expelled by the temporal power.

All these bishops having been unjustly and uncanonically driven from their sees, were still, ac-

ⁿ Dublin Review, vol. v. p. 290, 291. 307.

ording to the principles and practice of the Catholic church, as stated above, legitimate bishops, invested with the same powers which they possessed when they had been in actual possession of their respective sees. There was no need of restitution to their sees by any synod, or by any formal act whatever. They were fully possessed of jurisdiction as bishops of the British church; and as such, they were competent to ordain a metropolitan and other bishops.

It may be alleged indeed, that even on this supposition, the canonical number of *three* diocesan bishops was not actually found in the ordination of the metropolitan, Archbishop Parker, inasmuch as one of his four consecrators was only a suffragan or chorepiscopus; and one had only a dubious right to his see: but we must here say, that the present case was one, where the urgent *necessities* of the church afforded a perfectly valid *dispensation* from the strictness of the canon. The Catholic church has always allowed the validity of dispensations under such circumstances, as we have shown°. The church of England was at that time almost without bishops, owing to death, and the just expulsion of intruders. Not only her spiritual wants, but the dangers of schism which might arise from the ambition of the pontiffs, and the perils which awaited sound religion, and the established constitution of

° See above section vii.

the church, demanded an immediate consecration; and there was besides, the positive command of a temporal sovereign, zealous to restore peace and order to the church. It must be remembered also, that the apostolical canons received by the eastern and western churches, had declared ordination by two bishops to be sufficient^p; and that Pelagius, bishop of Rome, had, in a case of less difficulty and necessity, been ordained by two bishops of his province, and a presbyter of Ostia^q. Hence there was nothing irregular, nothing that was not permitted by the Catholic church, in the continuation of our episcopal succession at this time. The chain of succession is perfect, and unbroken.

Having thus shown that Queen Elizabeth was guilty of no usurpation on this occasion, and that the English hierarchy was lawfully reconstituted, we may set aside Dr. W.'s objection. "If they consider it to have been an usurpation in Elizabeth, 'of the iron hand, and of the iron maw,' as some of them have called her, then is their entire hierarchy based upon an unjustifiable and tyrannical act of power, and they who compose it are intruders," &c.^r . . . His reiteration of the question, "who was re-instated?" as if it were perfectly unanswerable; and his allegation, that "not one" bishop was *re-instated*^s; are merely captious. The

^p Apost. can. i.; Beveregii Synod. t. i. p. 1.

^q Liber Pontif. vita Pelagii, Labbe, t. v. col. 787.

^r Dublin Review, vol. v. p. 307.

^s Ibid.

exiled bishops *were re-instated in the exercise of their powers as bishops of the Catholic church in England.* They were confirmed in their new sees by the authority of the metropolitan, whom they had canonically ordained by virtue of that jurisdiction which they retained as lawful bishops of their former sees. There is no inconsistency in this: it will bear Dr. W.'s examination.

Our author next adduces an example, to show that "even if the bishops nominated under Mary could be proved intruders, no argument would result in favour of the Elizabethan creation."

"Bassianus having been consecrated against his will bishop of Evazi refused to proceed thither. Upon a vacancy in the see of his native city Ephesus, he violently thrust himself into it, and kept peaceable possession of it for four years. After this period, Stephanus, a priest of the same church, assisted by a party, seized his person, and was elected bishop in his place, to all appearance by the consent of the province. The case between these two claimants for the metropolitan see, was heard and decided by the council of Chalcedon, in its sixth session^t." It would take too much space to follow Dr. W. through the history of this transaction. Suffice it to say, that the council decided that neither claimant should keep possession of the see, but that a new bishop

^t Dublin Review, vol. v. p. 308.

should be ordained. And this is the case which Dr. W. alleges as parallel to that of Mary's bishops, and of those who were ordained in their stead! The case of Bassianus indeed may resemble that of the former; but how Stephanus, who seized the person of his predecessor, and usurped the see by violence, can resemble Archbishop Parker and his colleagues, who were peaceably elected, and who did not expel their predecessors, or seize on their persons, does not exactly appear. To us, they seem to afford as strong a contrast as can well be imagined; and the synod which condemned the violence of Stephanus would assuredly have found no fault in the appointment of Parker.

We here come to the conclusion of Dr. Wiseman's first article.

SECTION XV.

DR. WISEMAN'S PARALLEL BETWEEN THE DONATISTS AND THE
BRITISH CHURCHES, RETORTED.

WE have already commended Dr. W.'s discretion in reserving the privilege of reverting to the system of argument most commonly employed by Romish controversialists. Had he not secured this retreat, his associates would have had little reason to feel grateful to an author who had exposed the cause of his community to inevitable overthrow. In the

article now before us, Dr. W. opens an attack from his new position.

“ This leads us,” he says, “ to another and a much higher ground, on which, to base any resistance to the pretensions of the English church and its upholders to be an ecclesiastical establishment, or ‘ a branch,’ as they choose to call it, ‘ of the Catholic church,’—a ground too, which still dispenses with all inquiry into the validity of Anglican ordination. We mean THE STATE OF SCHISM into which it put itself at the Reformation, and which at once acted as a blight upon all its ecclesiastical powers,—withering them, and rendering them incapable of any act of valid jurisdiction, or any place in the apostolical succession ^a.”

Dr. W. now feels himself pledged “ to the painful duty of proving that the Anglican church “ is fundamentally and essentially a schismatical church, and, as such, has no right to a place in “ the apostolical succession ^b,” and, in fulfilment of his task, he selects the history of the Donatists as “ being parallel even to an extraordinary degree “ with that of the English established church ^c.” Dr. W. thinks he can discover many striking coincidences between the origin and sentiments of these schismatics, and those of our churches: he attempts to convict us of schism, by the arguments which

^a Dublin Review, vol. vii. p. 141.

^b Ibid.

^c Ibid. p. 143.

Optatus and Augustine directed against them ; and, in fine, shows that apostolical succession cannot exist in a schismatical community. I shall adopt his account of the origin of the schism.

“ The Donatists, although they received their
“ name from Donatus, schismatical bishop of Car-
“ thage, yet dated from the intrusion of his prede-
“ cessor Majorinus, consecrated by several bishops,
“ while Cæcilianus held the see ; on the ground,
“ that the latter was disqualified from holding it,
“ because his consecrators had delivered up the
“ sacred volumes to the persecutors. These bishops,
“ seventy in number, assembled in council at Car-
“ thage with Secundus of Tigisi, primate of Numi-
“ dia, at their head, wrote to the churches of all
“ Africa a synodal letter, in which they declared
“ the consecration of Cæcilianus to be schismatical,
“ and refused to communicate with him. . . . They
“ consider Cæcilianus as an intruder, and appoint
“ Majorinus in his place. A large portion of the
“ African Church assent to their sentence, and from
“ henceforth consider the latter as the legitimate
“ archbishop, and refuse to hold communion with the
“ former. On the other hand, many continue to con-
“ sider Cæcilianus as true bishop of Carthage, and
“ remain united with him in communion ^d. ”

In the causes which led to this schism, Dr. W. thinks he can trace several resemblances to those

^d Dublin Review, p. 143, 144.

which “produced the separation of England from the communion^e” of the Roman church. The first of these causes alluded to by Optatus^f, was the anger of a factious and opulent woman, named Lucilla, who, it was said, used, previously to the reception of the eucharist, to kiss the relics of some pretended martyr, and when reproved for this by the Arch-deacon Cæcilianus, she departed in anger, and excited a schism in the church^g. Dr. W. sees in this a remarkable coincidence with the case of the unfortunate Queen Anna Boleyn^h; but surely the resemblance to the persecuting Mary is far stronger. Anna was never, like Mary, accused of superstitious veneration for relics. Anna did not, like Mary, separate from the communion of her bishop; nor did she, as Mary did, expel the Catholic bishops from their sees, and procure the ordination of intruders. In all these points Lucilla was the exact prototype of the bloody queen. “The second cause of the schism,” says Dr. W., “was ambition. In Africa, that of some who sought to obtain the episcopal dignity; in England, that of Henry, who desired to possess the supremacy in the national churchⁱ.” Our author has only made a mistake in the persons. The real cause of the schism in England, of which he is a partizan, was the ambition of the Roman pontiffs, who, like Donatus and

^e Dublin Review, p. 143, 144.

^f Optatus, de Schism. Donatist. lib. i. p. 18, ed. Du Pin.

^g Ibid.

^h Dublin Review, p. 144.

ⁱ Ibid.

the Numidian bishops, claimed the right of ordaining bishops for churches which did not rightfully belong to them.

“The third cause,” says our author, “was covetousness in both cases after the wealth of the church^k.” Some leading men at Carthage had appropriated to their own use some of the treasures of the church, and rather than refund them, they excited a schism. Dr. W. finds in this a great resemblance to the conduct of various promoters of the Reformation. But, does he forget, or wish us to forget, the Annates, the Peter’s pence, the payments for bulls and palls, the sale of indulgences, the simoniacal disposal of benefices, the pensions, and provisions, by which hundreds of papal dependents were invested with benefices in our churches? Does he wish us to forget the Roman cardinals and prelates who were enriched by our most opulent bishoprics; and the Roman legates, who were empowered to drain the purses of our clergy? Does he forget the multiplicity of appeals which poured a flood of wealth into the Roman court? And, can it be in any degree doubtful, that the covetousness of Rome was one of the principal stimulants to her endeavours to regain supremacy in England; that it was a main-spring of that schism which she excited and fomented amongst us? Dr. W. has led us to observe a

^k Dublin Review, p. 144.

resemblance which deserves to be still further traced. We have seen, that the causes of the Donatist schism bear a remarkable likeness to those of the Romish defection from our churches; the results also present many curious coincidences.

The Donatists irregularly deposed Cæcilianus, and ordained an intruder in his stead¹. Queen Mary and the popish party illegitimately and uncanonically deposed or expelled our metropolitans and bishops by royal or papal commissions, and ordained usurpers to their sees.

The Donatists accordingly went out and separated themselves from the African church, and thus constituted themselves schismatics. Optatus thus addresses Parmenianus, the Donatist bishop of Carthage: "Inquire into the origin of these matters, and you will find that you have condemned yourself, when you have associated schismatics with heretics. For Cæcilianus did not go out from Majorinus your predecessor, but Majorinus from Cæcilianus; nor did Cæcilianus depart from the episcopal chair of Peter, or of Cyprian; but Majorinus, whose chair you occupy^m." In like manner, our

¹ Optatus, de Schism. Don. lib. i.

^m "Quære harum originem rerum, et invenies te hanc in vos dixisse sententiam, cum schismaticis hæreticos sociasti. Non enim Cæcilianus exivit à Majorino avo tuo; sed Majorinus à Cæciliano: nec Cæcilianus recessit à Cathedra Petri vel Cypriani; sed Majorinus, cujus tu cathedram sedes." Optatus, de Schism. Donatist. lib. i. p. 10, ed. Du Pin.

bishops in the time of Mary did not go out from the chair of Peter, that is, from the chair of Augustine, or of Patrick ; but their opponents. It was in opposition to the existing Catholic bishops, that Mary appointed her usurpers, and that the Roman pontiff afterwards sent his emissaries Creagh, Gibbon, and Smithⁿ.

The Donatists falsely pretended, that Felix of Aptungus, the ordainer of Cæcilianus, had been a traditor, and was incapable of ordaining^o. The Papists invented the fable of the Nag's-head ordination ; and denied that Bishop Barlow had ever been consecrated.

The Donatists denied that the sacraments were validly administered in the Catholic church^p. Dr. Wiseman asserts that our sacraments are null and devoid of all spiritual efficacy. The Donatists re-baptized those whom they succeeded in perverting from the Catholic church^q : our Papists frequently imitate their example. The Donatists reduced to the rank of laity any of the bishops, priests, or deacons, who united themselves to their communion^r. They held their ordination null, and refused to allow them to minister except after they had been re-ordained. The conduct of the Papists is exactly the same.

ⁿ See Treatise on the Church, vol. i. p. 459. 557.

^o See above, p. 2.

^p See Du Pin, *Historia Donatistarum*, p. xi. *Optati Opera*.

^q Augustinus, *Liber de Unico Baptismo, contra literas Petilian*, Oper. t. ix.

^r Optatus, *de Schism. Don.* lib. ii. p. 46, ed. Du Pin.

The Donatists detested the ministrations of the church as impure: they purified and washed with water the churches where the Catholics had celebrated the sacred offices; and destroyed or scraped the altars where they had ministered, in order to put away their abomination^a. What is this, but a picture of the proceedings of Romanists, whenever, as in the time of James^t or Charles, they obtained possession of any of our churches? Every one who became a convert to Donatism, received imposition of hands as a penitent^u: every one who becomes a Papist is first obliged to make a profession of faith as a heretic. The Donatists objected to the church, that the chief enemies of Donatism had died by most dreadful deaths^v: the Papists have frequently employed the same argument against us. The Donatists refused Christian burial to the departed Catholics^w; the Romanists have always imitated their example when it was in their power, and they have often disinterred the remains of their adversaries. The Donatists attempted to starve the ortho-

^a Optatus, lib. vi. p. 97.

^t Cox's History of Ireland, vol. ii. p. 4.

^u Optatus, lib. ii. p. 46.

^v Augustinus, contra Literas Petiliani, lib. ii. c. 92, tom. ix. col. 281, Oper. ed. Benedict.

^w "Quid referam etiam, illam impietatem de vestra conjuratione venientem? Quia ad hoc basilicas invadere voluistis, ut vobis solis cœmeteria vendicetis; non permittentes sepeliri corpora Catholica: ut terréatis vivos, male tractatis et mortuos, negantes funeribus locum." Optatus, lib. vi. p. 99.

dox, by preventing them from being supplied with bread^x: we have seen instances of the same kind in Ireland.

The Donatists, after their banishment from Africa for a time, returned again, “rabid and angry, *subtle in seduction*, committing cruel havoc, provoking to war the children of peace. They came with a hired force; expelled many from their sees, and invaded the churches. Many of their number committed bloody murders.” The Papists also introduced hired bands of robbers from Italy to persecute the church in Ireland; and the cruelties with which they afflicted our churches are but too well known^z. The Christian emperors made laws against the Donatists: so did the Christian sovereigns of England against the modern Donatists. Those who suffered punishment for their offences and treasons were styled martyrs by their respective parties^a.

^x “Nonne apud Hipponem, ubi ego sum, non desunt qui minerint Faustinum vestrum regni sui tempore præcepisse, quoniam Catholicorum ibi paucitas erat, ut nullus eis panem coqueret?” Augustinus, contra Lit. Petil. lib. ii. c. 83. t. ix.

^y “Venistis rabidi, venistis irati, membra laniantes ecclesiæ; subtiles in seductionibus, in cædibus immanes, filios pacis ad bella provocantes. De sedibus suis multos fecisti extorres, cum conducta manu venientes, basilicas invasistis. Multi ex numero vestro per loca plurima cruentas operati sunt cædes.” Optatus, lib. ii. p. 54.

^z See Treatise on the Church, vol. i. p. 558, &c. and the History of Ireland, by Cox and Leland.

^a “Quæ cum ita sint, audent etiam sacrilega schismata vel hæreses impie, si quando in flagello ut se corrigant admonentur,

The Donatists received relief from these laws, and “religious liberty” from an emperor who was an unbeliever^b. Romanists have received their liberties from an irreligious age. The Donatists had their Circumcelliones, who rose in insurrection against the laws, and persecuted and murdered the clergy and faithful throughout Africa^c. And, have we not continually seen Circumcelliones in Ireland, from the reign of Elizabeth till the present day? Let the insurrections of Oneil and Desmond, the massacres of 1641 and 1798, and the continual persecutions of our clergy and people, attest the resemblance. One other parallel, and I have done. The Donatists denied that the excesses of the Circumcelliones could be attributed to them^d; the Papists

pœnas furoris sui etiam inter martyria deputare.” Augustinus, *contra Epistolam Parmeniani*, lib. iii. c. vi. col. 75. t. ix.

^b “*Erubescite si ullus est pudor. Eadem voce vobis libertas est reddita, qua voce idolorum patefieri jussa sunt templa. Eisdem pœne momentis vester furor in Africam revertitur, quibus Diabolus de suis carceribus relaxatur.*” Optatus, lib. ii. p. 54. “*Nec pro eis aliquid promulgasse quis invenitur, nisi apostata Julianus, cui pax et unitas Christiana nimium displicebat.*” Augustinus, *contr. Epist. Parmen.* lib. i. c. xii. col. 23. Oper. t. ix.

^c Optati Opera, p. 40—48.

^d “*Sed hæc non tam multa sunt, quàm multa quotidie agunt per furiosos ebriosorum juvenum greges, quibus principes constituunt, qui primum tantummodo fustibus, nunc etiam ferro se armare cœperunt, qui Circumcellionum notissimo nomine per totam Africam vagantur, et sæva contra omnem ordinem legum potestatumque committunt: quorum scelera cùm ad eos deferuntur, fingunt se ignorare talè hominum genus, vel omnino ad se non pertinere, contra omnes homines, ore impudentissimo affir-*

adopt precisely the same system. It is pretty clear then, that the Donatists and our Papists are of the same family. Their resemblance cannot be mistaken. We, on the other hand, differ entirely from both. The points which are common to them, are not found in us. But we proceed with Dr. Wiseman.

SECTION XVI.

ARGUMENTS OF THE FATHERS AGAINST THE DONATISTS FROM
THE UNIVERSALITY OF THE CHURCH, PROVED TO BE INAP-
PLICABLE TO US.

IN order fully to comprehend the force of the argument against the Donatists from the universality of the church, and to see how far Dr. Wiseman can apply it to us, we must attend to the position taken by those schismatics. They maintained then, as Dr. W. himself says, "That the Catholic, that is, the true church, *only existed among themselves, and cut off from its pale all who were not in communion with them*." This is a point of great importance to bear in mind. The Donatists

mant." Augustinus, cont. Epist. Parmen. lib. i. c. xi. t. ix. The history of Ireland, up to the present time, furnishes a number of most curious coincidences with all this.

* Dublin Review, vol. vii. p. 146.

did not merely deny that the Catholic churches in Africa were Christian; they cut off from the pale of Christianity all other churches throughout the whole world^f, which were all in mutual communion, and in communion with the churches of Africa. Dr. W. refers to the indignation of the Donatists in the conference of Carthage, at the title of "Catholics" being given by the imperial officer to their opponents^g. The reason of this was, that they claimed it as exclusively their own. "*Only that side is the Catholic,*" said Petilianus, "*which shall carry off the victory in this contest*"^h. In the same manner, when a Catholic bishop called on a Donatist to explain the ground of his separation from the universal church, the reply was: "That the Catholic church is *with me*, our pure observance of the law, and your vices and crimes establishⁱ." Dr. W. himself shows from other parts of the same conference, that the Donatists claimed *exclusively* the title of Catholic^k; i. e. that they believed

^f Thus St. Augustine says of Parmenianus, "'Gallos et Hispanos et Italos, et eorum socios,' quos utique totum orbem vult intelligi, 'traditoribus Africanis commercio scelerum et societate criminum,' dicit, 'esse consimiles... Dicit etiam Parmenianus, 'hinc probari consceleratum fuisse orbem terrarum criminibus traditionis, et aliorum sacrilegiorum.''" Cont. Parmen. l. i. c. i. col. 12. See also col. 17. "Periisse dicunt Christianum nomen de tot gentibus in orbe terrarum, et in solâ Africâ remansisse." Lib. ii. c. i. See also Liber de Unitate Ecclesiæ, c. xi. col. 335; Contra Cresconium, l. ii. c. 27.

^g Dublin Review, p. 146.

^h Ibid.

ⁱ Ibid. p. 147.

^k Ibid.

their opponents and the whole church throughout the world which communicated with them, to be apostate and antichristian. The object of the Donatists then was, not merely "to claim an *equal* right with their opponents to the name of Catholic¹," as Dr. W. insinuates. They did not allow that any churches except their own were Catholic. They rebaptized all their converts^m. They disclaimed the name of Donatistsⁿ, just as the schismatics in this country disclaim the title of "Romanists" or "Papists;" and they called their opponents Cæcilianists or Mensurians, in the same sense in which Papists call us "Protestants" and "Anglicans."

The Donatists maintained that the church had perished in every part of the world except in Africa^o. They held that they themselves constituted the original church of Christ, from which all others had fallen away^p; and that the true episcopacy or "cathedra," and all the signs and privileges of the Catholic church, remained with them alone^r.

Every one must admit that our doctrine on such

¹ Ibid.

^m Augustinus, Liber de Unico Baptismo, l. ii. Cont. Parmenianum, &c.

ⁿ Dublin Review, p. 147.

^o Augustinus, Contra Crescon. lib. ii. c. 27. Contra Parmen. l. ii. c. 1.

^p August. Cont. Crescon. l. iv. c. 60.

^r Optatus, De Schism. Donat. l. i.

points presents a total contrast to that of the Donatists. No well-informed member of the Anglo-Catholic churches will hesitate to condemn the absurd and uncharitable assumptions of those schismatics. We all admit that the church of Christ is not limited to England, or to the provinces which are in communion with us. The church of England allows the existence of a Catholic or universal church throughout the world^s. Her synods in the time of Henry VIII. acknowledged the western churches subject to Rome as a part of the Catholic church^t. The same principle afterwards prevailed, and is not contradicted by any of our formularies. We do not rebaptize their members, nor deny their ordinations, nor refuse communion to any of their members who may seek it. The Eastern churches are allowed by all our theologians to form a part of the church of Christ. We should have no hesitation in pronouncing anathema against any one who should maintain that the Catholic church throughout the world has perished, or that the church of Christ does not exist beyond

^s "The holy church throughout all the world doth acknowledge thee." *Te Deum*. "That it may please thee to rule and govern thy holy church universal in the right way." *Litany*. "Inspire continually the universal church with a spirit of truth, unity, and concord." *Prayer for church militant*.

^t See "*Institution of a Christian man*," A. D. 1537. "*Necessary Doctrine*," &c. A. D. 1543. *Formularies of Faith*, Oxford Ed. p. 55. 247.

these realms. Hence our doctrine is altogether opposed to that of the Donatists.

“Let us now see,” says Dr. W., “how the fathers argued on the other side, and what broad, clear, and simple arguments they chose, to convict the Donatists of the crime of schism; to prove to them that they belonged not to the church of Christ, that is, to the Catholic church. . . . The first, the most frequently and the most earnestly urged of these arguments is the fact of the Donatist church, however numerous its bishops and its people, being excluded from communion by other churches, and not being admitted by them within the pale of the true church. . . . The very fact of one’s being in communion with foreign churches, and the other’s not, was considered a decisive proof, that the former was necessarily in a state of schism. They lay down as a principle, that the true church of Christ was to be dispersed over the entire world, and that consequently no national church could claim for itself the distinction of being this only true church.” Dr. W. then refers to the reasoning of St. Optatus against the Donatists. “There is therefore one church. . . . This cannot be among all heretics and schismatics. It only remains then, that it exists in one place. You have said, brother Parmenianus,

^u Dublin Review, vol. vii. p. 148.

“ that it is with you only . . . Therefore that it may
 “ be amongst you in a part of Africa, a corner of a
 “ small region ; shall it not be amongst us in the
 “ remainder of Africa ? Shall it not be in Spain,
 “ in France, in Italy, where you are not ? If you
 “ will have it to be with you only, shall it not be
 “ in the three Pannonias, in Dacia, Moesia, Thrace,
 “ Macedonia, and in all Greece, where you are not ?
 “ That it may be with you, shall it not be in Pontus,
 “ Galatia, Cappadocia, Pamphylia, Phrygia, Cilicia,
 “ in the three Syrias, the two Armenias, and in all
 “ Egypt and Mesopotamia, where you are not ?
 “ Where then would be the propriety of the name
 “ of ‘ Catholic,’ since the church is therefore called
 “ so, because she is reasonable and diffused in all
 “ parts v ? ”

This reasoning was quite conclusive against the

v “ Ergo ecclesia una est . . . Hæc apud omnes hæreticos et schismaticos esse non potest. Restat ut uno loco sit. Eam tu, frater Parmeniane, apud vos solos esse dixisti . . . Ergo ut in particulâ Africæ, in angulo parvæ regionis, apud vos esse possit ; apud nos in alia parte Africæ non erit ? In Hispaniâ, in Galliâ, in Italiâ, ubi vos non estis, non erit ? Si apud vos tantummodo esse vultis, in tribus Pannoniis, in Daciâ, Moesiâ, Thraciâ, Macedoniâ, et in totâ Græciâ, ubi vos non estis, non erit ? Ut apud vos esse possit, in Ponto, Galatiâ, Cappadociâ, Pamphiliâ, Phrygiâ, Ciliciâ, et in tribus Syriis, et in duabus Armeniis, et in totâ Ægypto, et in Mesopotamiâ, ubi vos non estis, non erit ? Ubi ergo proprietas Catholici nominis, cum indè dicta sit Catholica, quod sit rationabilis et ubique diffusa ? ” Optat. De Schism. Donat. l. ii. c. i. p. 28, 29. ed. Du Pin.

Donatists. The whole Catholic church of the East and West united in one communion stood on one side. The Donatists, who existed only in Africa, stood on the other. The question with *both* parties was, "Which is the true church?" The Donatists asserted that they alone constituted the church of Christ: they denied that the universal church was Christian. This assertion was at once disposed of, by showing that, according to scripture, the church was to be *universal*; and that the Donatists were not so. Hence it followed that they could not constitute the true church, to the exclusion of all other nations. Nevertheless they did in fact exclude all nations from the church. They refused to communicate with them. Therefore they were *schismatics*. This was the line of argument continually taken by the fathers, and the Donatists were totally unable to meet it. For when they were asked to account for the fact of their having separated from the communion of the church, they could only offer such pleas as the following. "They argued," says Dr. W. "that the corruptions of the church were such as rendered it impossible for them to keep in communion with it^x." What was this, but to deny what the Scrip-

^w "Quæstio inter nos versatur, ubi sit ecclesia, utrum apud nos, an apud illos." August. De Unitate Ecclesiæ, c. ii. col. 338. t. ix.

^x Dublin Review, vol. vii. p. 150.

ture so clearly established—the universality of the church; and thus to prove themselves opponents of the word of God? Or again, they pretended that the church of all nations had gone out and separated from *them*, thus constituting itself schismatical^γ. This was again to deny the universality of the church, and to contradict scripture. These were the pleas of the Donatists; the only excuses they could offer for their separation from the communion of all nations. They were condemned by their acts, and condemned again by their excuses for those acts.

But how totally different is the state of the case between us and the Romanists! In the first place, we do not pretend that our churches constitute the whole Catholic church; nor do we deny that the eastern churches, and the Roman churches of the continent of Europe, are Christian. There is, therefore, no need to prove to us that the church of Christ is universal. Secondly, The question is not, whether the whole eastern and western church united in one communion, or the English church, is the church of Christ. It is, whether the western church, *separated from the communion of the eastern as well as of the British*, is the whole Catholic church or not, and therefore whether the mere fact of not being in communion with it, is any proof of schism? If indeed the whole universal church had

^γ Ibid. p. 156.

been in communion when the Reformation took place, and if our churches had then become separated from the communion of all the east and west, our case might have borne some resemblance to that of the Donatists ; but it is a notorious fact, that our communion with the east had been, *in common with the rest of the western church*, interrupted for centuries before the Reformation. Thirdly, When we are asked to explain our separation from the communion of the rest of the church, we can do so immediately, without either contradicting scripture, or proving ourselves schismatics. We positively deny that we ever separated ourselves from the communion of the eastern or the western churches ; or that we refuse them communion at the present day². As to our actual non-communion with the eastern church, it is common to us with Romanists. It was caused, and is still continued, by mutual misunderstandings, and by the arrogant pretensions of the Roman pontiffs. As to our non-communion with the Roman churches, it is not caused by any fault of ours. The Roman pontiff insists on our obedience to his usurped and uncanonical jurisdiction ; and because we will not concede this, he refuses to communicate with us. The universal belief of those who are subject to Rome is, that all who are separated from the communion of the Roman see are cut off from

² See Treatise on the Church, vol. i. pt. ii. c. ii.

the church; and therefore they will not communicate with us. Is not this a certain and undeniable fact? Can Dr. W. dispute it? Is it not also certain, that this doctrine of the necessity of communion with Rome, has been rejected by the whole eastern church from the eleventh century, and that it had repeatedly been denied in preceding ages by the same church? Hence it follows, that this doctrine, being rejected by half the church, is only a disputable opinion; and yet it is this disputable opinion which separates the Roman churches from our communion. But Dr. W. urges, that the mere "fact" of a church not being in communion with other churches throughout the world, was held sufficient in itself to convict that church of schism^a. Dr. W. forgets that the fathers, whom he has himself cited, advance a step beyond this mere fact. They called on the Donatists to *explain* it. "Fortunatianus bishop of the Catholic church said, 'Explain the grounds of your separation and dissension from the universal church spread over the entire world^b.'" Dr. W. cites the various excuses which the Donatists made for their non-communication with the Catholic world,

^a Dublin Review, p. 148. 154.

^b Ibid. p. 147. "Quare non communicatis ecclesiis quibus epistolas apostolicas missas tenetis et legitis?" August. De Baptismo, cont. Donatist. l. ii. c. vi. "Cur vos ergo impie separastis à semine Abrahæ, quod est in omnibus gentibus? Hoc certe quemadmodum defendas non habes." Lib. ii. cont. Petilian. c. 32.

and the replies of St. Augustine and the fathers ^c, all of which concede the point, that the Donatists had a right to explain, if they could, the position in which they were placed. It was not then the mere fact of non-communion that condemned them, but their utter inability to account for it, without pronouncing at the same moment their own condemnation.

Were this "mere fact" in every case a criterion of schism, it would follow that the obedience of the popes of Avignon during the great western division before the council of Constance was schismatical. It consisted of France and Spain, which were not in communion with the rest of Europe ^d, nor with the eastern churches. The bishops of France and Spain could not give letters of communion to other churches at that time. During the latter part of this time Spain was not in communion with the rest of Europe. Yet what is the received opinion of Roman theologians now? They maintain that none of these various obediences were schismatical ;

^c Dublin Review, vol. vii. p. 150, &c.

^d That these Obediences were not in communion, we may see by the form of renouncing schism prescribed by Boniface IX., in which the penitent confesses, that the antipope "and all his adherents, believers, defenders, accomplices, and followers, truly are and were schismatics, apostates, excommunicated, anathematized, and divided and separated from the communion of the faithful, and from the unity of the holy Roman church, and to be punished as heretics," &c. Formula damnandi schismatis, apud Raynald. ann. 1390. n. 9.

that none of them were separated from the Catholic church*.

Before Dr. W. can allege the mere fact of non-communication with foreign churches, as decisive of the question of schism, he must prove that separations can never be caused by misunderstandings, or by excusable mistakes, on one or both sides. Until this is done, we are always at liberty to explain the reasons of the present divisions in the church.

Our author observes, that the reasoning of St. Optatus on the universality of the church, "attacks the foolish presumption of those, who would maintain that the Anglican church is the only apostolic one†." I certainly do not defend those, if there be any such, who maintain this position. He adds, that "this reasoning strikes as much at the theory of the Tracts, and other high-church writings, which would fain have us consider the church of Christ as an aggregate of many churches, holding indeed different opinions and practices, and not actively communicating together, so that the Anglican church may be called 'that branch of Christ's church which is established amongst us,' and the church of Rome is allowed to be a portion (though a corrupt one) of the same church of Christ. This system is directly at variance with the arguments of St.

* Delahogue, *Tractatus de Ecclesiâ*, p. 34; Tournely, *de Ecclesiâ*, t. i. p. 643; Bailly, *Tract. de Ecclesiâ*, t. i. c. vi. Object.

† Dublin Review, vol. vii. p. 149.

“Optatus : ‘Restat ut uno loco sit.’ He does not
 “imagine the possibility of the Donatists being
 “considered a part of the true church : if they con-
 “stitute it, the rest of the world is excluded—if
 “Spain, Gaul, and Italy, which are in mutual
 “communion,—Donatist Africa is shut out from
 “the pale^g.”

Certainly : Donatist Africa shut herself out from the pale of the universal church, by refusing communion to it, denying its christianity, rebaptizing its members, and subjecting them to public penance. If the rest of the world was christian, Donatist Africa must have been schismatical. But our case is different ; for we do not reject the communion of other churches, or deny their christianity. Nor do we charge them with schism for not communicating with us. We can make allowance for their misunderstandings and prejudices. Therefore if one communion be christian and catholic, it does not follow that the other is schismatical.

The arguments of St. Augustine against the Donatists Parmenianus, Petilianus, and Cresconius, were always based on the same principles. He insisted from many texts of holy Scripture, that “the churches in communion must be true, to the exclusion of all that stood in separation from them^h.” The same question was always put by both parties, *i. e.* whether the Donatists, who existed only in

^g Ibid.

^h Dublin Review, *ubi supra*.

Africa, were the true church, to the exclusion of the Catholic church throughout the world ; or whether the latter constituted the true church, to the exclusion of the Donatists, who refused communion to them. I have already shown, that our position is in this respect altogether opposed to that of the Donatists, and that the arguments of the Fathers against them are inapplicable to us.

Dr. W. adverts next to the pleas which the Donatists advanced for not communicating with the universal church¹, and which have been noticed above. And he points out the similarity which exists between those pleas and the arguments of some opponents of Rome. The Donatists undoubtedly could not escape from the dilemma in which they had involved themselves by asserting that the great body of the church had become apostate ; and those who may be so indiscreet as to follow them into such a position deserve to share in their difficulties. I do not undertake the defence of those who may argue that the whole church of the East and West had perished before the Reformation.

Dr. W. alleges that the Fathers who combated the Donatists did not think it necessary to enter into an examination of all the points of difference, and that they regarded the question as one of *fact*, rather than of right ; “ that is to say, the very cir-

¹ Ibid. p. 150, &c.

“cumstance of a particular church being cut off
 “from the aggregation of other churches, consti-
 “tuted them judges over the other, and left no room
 “for questioning the justice of the condemnation ^k.”
 He next cites “a golden sentence of St. Augustine,”
 to the effect that “they are not good men who *sepa-
 rate themselves* from the entire world.” We entirely
 accord with this sentiment of St. Augustine, and
 we admit that the question between the church and
 the Donatists was essentially one of *fact*, i. e. their
 non-communication with the universal church was a
 conclusive argument against them, because it was
 voluntary on their part, and their attempts at jus-
 tification only made their sin more manifest. But
 our position, as I have already shown, is altogether
 contrary to that of the Donatists.

Our author attributes to what he calls “the
 high-church or Oxford school,” the doctrine, that
 the church in communion with Rome, became
 heretical at the council of Trent^l. This may be
 the sentiment of one or more individuals; but he
 must adduce something more than a note in one of
 the “Tracts for the Times,” to fix such an opinion
 on the theologians to whom he alludes. He will
 also find it difficult to prove that the members of
 our churches commonly regard all the churches in
 communion with Rome as schismatics and separa-
 tists from our churches^m. I positively deny that

^k Ibid. p. 154.^l Ibid. p. 155.^m Ibid.

such a doctrine is prevalent amongst us, and call on Dr. W. for proofs to the contrary. As to his arguments against these positions, I leave them to the consideration of those, if such there be, who hold them.

We next come to what Dr. W. announces as “a decisive criterion whereby it may be determined “who went forth from the church, or who were, “in other words, the violators of Catholic unityⁿ.” He then observes, that after a time several sects separated from the parent stock of Donatism, and thus continues: “But to come to our point, “which is the criterion suggested by St. Augustine for determining who are the separatists and “schismatics. It is this:—You have no difficulty “in deciding that these different sects separated “from you, and not you from them (as they pretend); because, while *primitive* Donatism is commensurate with them all, each of them prevails “more in one than in another province . . . This criterion would apply to the Anglican church. For “some parishes are comparatively free from dissent, “and there is no portion of England in which that “church is not found . . . In like manner, observes “this learned Father, we see one heresy infest one “country, and another another . . . but the Catholic “church occupies the whole world, taking in the “very countries in which the respective sects

ⁿ Dublin Review, p. 156.

“ exist, surrounding and compenetrating them ; and
 “ therefore, by parity of argument, this is proved
 “ to be the true church, from which all they are
 “ separatists and schismatics. This argument is at
 “ once simple and conclusive. It supposes, what is
 “ of vital importance in our controversy with the
 “ Oxford divines, the possibility,—nay the necessity
 “ of the church Catholic having members, in coun-
 “ tries under a schismatical hierarchy, who commu-
 “ nicate with the rest of the Catholic world . . . We
 “ see then, how simple and yet how efficacious is
 “ the test proposed by St. Augustine, for deciding
 “ whether the English church be a seceder or not
 “ from Catholic unity °.”

In the first place, we must thank Dr. Wiseman for supplying us with a proof that the papists of these

° Dublin Review, vol. vii. p. 157, 158. The argument of St. Augustine referred to, is as follows:—After referring to the Maximianists, Rogatenses, and Urbanenses who had separated from the Donatists, he says, “ Et hinc enim apparet eos a vobis exiisse, non vos ab ipsis, quia vos etiam in his terris estis ubi ipsi sunt: illi autem quaque versûs vos estis, non nisi peregrinantes inveniuntur. Sic ecclesia Catholica, quæ, sicut ait Cyprianus, ramos suos per universam terram copiâ ubertatis extendit, ubique sustinet scandala eorum qui ab illo vicio, maximè superbiæ, præciduntur, aliorum hic, aliorum alibi atque alibi . . . Ubi enim cadunt ibi remanent, et ubi separantur ibi arescunt; unde ipsa de quâ præcidentur, etiam in eas terras extenditur, ubi jacent illa quæque in suâ regione fragmenta: in illâ verò singula quæcumque ipsa distenditur non sunt, quamvis aliquando vix rarissima folia ex eorum ariditate ventus elationis in peregrina dispergat.”—August. contr. Crescon. lib. iv. c. 60.

countries are not the original church of England and Ireland. Our church not only exists in many places where the Romish schism does not, but extends into all the parishes where it does exist. Therefore we constitute the original church of these realms, from which Romanists went forth and separated themselves. We are not separatists from the papal communities in England and Ireland: they are separatists from us. Let us hear no more then of Romanists calling us the "new church," and themselves the "old church;" or of their pretence that we enjoy ecclesiastical property and edifices which once belonged to them, and were taken from them. They are the "new church," ←a body of dissenters from our churches. They have no succession from the founders of our churches, or from the ancient bishops.

Secondly, The argument of St. Augustine, though perfectly conclusive against the Donatists, would be unavailing against our churches. Let us consider the state of the case. Cresconius, the Donatist, feeling himself urged by the accusation of schism, endeavoured to retort on his adversaries^p. "You are the schismatics," he said,—"It is you who have departed from the Catholic church, in which we remain." The question between the parties then was: "Did the Donatists go out from the Catholic church, or did the Catholic church go

^p See the context of the preceding passage.

out from the Donatists? Which, in short, constituted the original Catholic church, from which the other separated itself or went out?" The argument of St. Augustine is decisive on this question. The Catholic, he argues, is the original church, from which the Donatist separated itself, because the Catholic exists every where, even amongst the Donatists themselves.

But the question is different between us and the Romanists. Our assertion is not, that our churches were originally universal; that we constitute the only relic of that original church; and that the Roman churches of the Continent and throughout the world are mere dissenters from the original church. We only assert that the other Western churches do not communicate with ours, and that this separation is not our fault, but is to be attributed to a mistaken opinion of the papal authority, which exists among them. Supposing then that the Roman communion exists in many countries where we are not, and that it has obtained adherents even in our own countries, does this furnish any answer to our position? Does this prove that the Roman churches did not refuse their communion to ours? Does it prove that they did not entertain the opinions alluded to? Does it prove that the papists of England and Ireland did not forsake our churches? What then does it prove? It only proves that the whole Roman communion does not consist of sectaries, who separated themselves from

our churches, which originally prevailed in all nations? We can afford to make a present of this conclusion to Dr. Wiseman. We stand perfectly unscathed by the weapons of St. Augustine.

Another criterion of schism is proposed by Dr. W. from St. Jerome, who says, "Wherever you hear those who are called Christians, receive their name not from the Lord Christ Jesus, but from some one else; as for instance, the Marcionites, Valentinians, Montenses or Campites; know that they are not the church of Christ, but the synagogue of Antichrist," &c. On this passage Dr. W. comments as follows:—"Now though this criterion, in most special wise, apply to those sects which bear the names of men, as Lutherans, Calvinists, or Wesleyans; yet will it be found applicable no less to any whose designation indicates a state of separation from the rest of the church. For the new Oxford school will not easily persuade men that their Anglican church forms no part of the great *Protestant* defection, a title which at once expresses separation and opposition to that greater aggregation of churches dispersed over the whole world, on which no efforts have succeeded in fixing any different title beyond that of the Catholic¹."

If the words of St. Jerome are to be strictly taken, the appellation "*Roman Catholic*" itself is

¹ Dublin Review, vol. vii. p. 159.

a sign of heresy, for it is "not from the Lord Jesus, but from some one else." And what are we to say of "Franciscans," "Benedictines," "Dominicans," &c.? In many places the members of the Roman communion have been called "Papists," and some of them have even gloried in the name, and pronounced a censure against any one who should refuse it^r. The Catholics of the East have, for a long series of ages, been called Melchites. Does this prove them heretical? The Maronites of Syria are in communion with the see of Rome, notwithstanding their appellation. As to the title of "Protestant," I must observe first, that it does not express "separation and opposition to that greater aggregation of churches dispersed over the whole world." It originally designated those who entered a protest against the edict of Spire, which prohibited all reformation in the church; and it was afterwards applied to all those who approved of reformation. As to its signifying either protest against the church generally, or *defection* from it,

^r "Si quis nos hac de causâ Papistas appellare vellet, non solum nihil nos ejus appellationis pueret; verumetiam cû primis id amplum nobis ad laudem et gloriam esse judicaremus." Stanislaus Hosii Cardinalis Warmiensis Opera, t. i. p. 669. "Cum primis id tibi gloriosum fore puta, si Papista vocatus fueris... Videmus autem, quod quibus in locis infame visum est Papistæ nomen, iidem Cæsaristas et Registas appellari, paulò post non minus ignominiosum judicabatur... Tu verò si quis te Papistam vocaverit, non modò molestè ne feras, verùm te magno potius affectum honore interpretatus, age gratias." Ibid. p. 735.

there is no evidence for such a thing. If the term be ever so employed, it is an abuse of language. The utmost indeed that any one can understand by it, is opposition to the Roman pontiff, and to the errors of his communion: it has no reference to the Eastern branch of the Catholic church.

Secondly, The English church never assumes the title of "Protestant," or even mentions the term in her formularies. She knows of no church except "the Catholic." It is true, indeed, that at the coronation of our sovereigns the word is employed; but it must be remembered that the formula in which it occurs was drawn up by the temporal power, and the church excuses the incorrectness of the appellation, in consideration of the laudable intention and meaning of those who framed the formulary.

"But the Donatists," says Dr. W. "endeavoured to escape from the application of this test by another sophistry. You, they said, are no more universal or Catholic than we. A great part of the world is still heathen, and much is occupied by sects which you do not admit into the pale of the church." St. Augustine (as he observes) easily overthrew this objection, by showing that the heathen would be gradually converted, and that the Catholic church exceeded in diffusiveness all sects. But what has all this to do with us? We do not

* Dublin Review, ubi supra.

employ the argument of the Donatists. We allow that there are Catholic churches in all parts of the world. We include the Latin churches amongst their number; and we do not, like Dr. Wiseman and his brethren, exclude the eastern churches from the pale of Catholicity. Therefore the Catholic church which we acknowledge, is of far wider extent than that of Dr. Wiseman.

“Only one other subterfuge remains,” he continues: “it is, that to belong to the universal church, it is not necessary to be in active intercourse and communion with the different parts that compose it; so that the Anglican church may be a portion of Christ’s church catholic, although it has no actual badges to show of amity and harmony with other portions of the same church in Europe or the east. Cresconius the Donatist made use of precisely this principle, which is necessary to the establishment of the system maintained on this subject by the Oxford divines: ‘Non communicat Oriens Africæ, nec Africa Orienti.’ To this St. Augustine replies, that ‘with the chaff, that is out of the Lord’s barn-floor, the East does not indeed communicate; but with the Catholic wheat, and with the straw that is within, the East does communicate with Africa, and Africa with the East.’ The Donatists seem to have wished to maintain the

† Augustin. *Contra Cresconium*, lib. iii. c. 67.

“ independence of the African church as requiring
“ no direct communion with the churches of
“ Asia ”.

Dr. W. has not produced any evidence for his last conjecture, which is certainly unfounded ; for the Donatists went much further than merely to maintain that the African church “ required no direct communion with the churches of Asia.” They considered those churches as *apostate*, and for that reason, refused to communicate with them †. The argument of Cresconius then was merely in reply to that of the Catholics, who had objected to the Donatists their non-communion with the universal church. The reply was, “ You yourselves are not in communion with the East, *i. e.* your own communion is not universal.” St. Augustine was able to deny the *fact* : but had he been unable to do so,—had the Donatists been able to show, that the orthodox of Africa had actually been for centuries separated from the Eastern church, (as the Roman Obedience has been) would St. Augustine, in that case, have argued from the Donatists’ want of communion with the universal church ? Certainly he would not ; and therefore his argument is not directed against us.

“ On another occasion,” says Dr. W. “ when St. Augustine had a friendly conference with For-

‡ Dublin Review, p. 160, 161.

† See above p. 180—182.

“ tunius, a Donatist bishop ^w, the question, almost
 “ at its outset, turned upon this point. The learned
 “ Father asked him, Which was the church in which
 “ one must live well, ‘ whether that which, accord-
 “ ing to the predictions of holy writ, was to be dis-
 “ persed over the entire world, or that which a
 “ small portion of Africa or the Africans contained ?
 “ At first he tried to assert, that his communion
 “ was over the whole world. I asked him whether
 “ he could give letters of communion, which we call
 “ *formatæ*, whithersoever he wished ; and I affirmed
 “ what was clear to all, that by this test, the entire
 “ question could be brought to a close.’ But the
 “ Donatist soon ran off his ground, and turned to
 “ other matters. Now, if the courteous reader will
 “ take the trouble to turn over the third volume of
 “ this Review (July 1837), he will find us challenging
 “ the Anglicans to the same proof of the assertion
 “ which they make in common with the Donatists,
 “ that they are a part or a branch of the church
 “ Catholic, dispersed over the world ^x.”

I must again observe, that our position is perfectly opposed to that of the Donatists. They asserted that their own community constituted the only true church in the world : we admit that the true church exists in many countries which are not actually in communion with us. When Fortunius

^w August. Epist. ad Eleus. Glor. et Fal. t. ii. ep. xlv.

^x Dublin Review, ib. p. 191.

asserted that his own communion was universal, he alleged what was untrue, in proof of what was absurd and uncharitable. We do not make his assertion, nor draw his conclusion. When, therefore, Dr. W. challenges the church of England to show that she can give letters of communion to the churches in all parts of the world, he places himself in a false position ; he contends with an imaginary antagonist. We do not pretend that we can give letters of communion to all churches. Many of them are not in communion with us, or with each other. The eastern church does not send letters of communion to the Roman churches, nor to the Anglo-Catholic. The Roman churches cannot send letters of communion to the eastern, nor to the Anglo-Catholic churches. The western churches after the death of Chrysostom could not give *formata* to the East ; nor could they in the time of Acacius of Constantinople ; nor in that of Photius. They were unable to do so generally from the eleventh century to the Reformation. In the fourteenth century France and Spain were unable to give letters of communion to the rest of Europe, or to the eastern churches. We can explain these instances of the non-communion of churches without imputing heresy or schism to either party.

Dr. Wiseman concludes this branch of his argument as follows :—" If the case, therefore, of the " Anglican church had to be decided by the principles and the voice of antiquity, we do not see

“how any verdict but that of schism could be pronounced against it. It is in a state of separation from the aggregate of churches dispersed over the world. It cannot make an excuse, it cannot raise a point either of fact or right in bar of judgment, which has not been already met by the judicious sagacity of the great supporters of the unity of the church, when combating the cavils of the Donatists.”

I trust that, from what has been said, it is evident, that the principles and positions of the Donatists were entirely contrary to ours; and that our adversaries are entirely precluded from employing against us the arguments which the Fathers directed against those schismatics.

SECTION XVII.

COMMUNION WITH THE SEE OF ROME NO INVARIABLE CRITERION OF UNION WITH THE CATHOLIC CHURCH.—DR. WISEMAN’S ARGUMENTS TO THE CONTRARY REFUTED.—CONCLUSION OF OUR VINDICATION.

“THE second criterion of the true church,” says Dr. W. “is closely allied to the first, though simpler in its application. According to the doctrine of the ancient Fathers, it is easy at once to ascertain

“ who are the church Catholic, and who are in a “ state of schism, by simply discovering who are in “ communion with the see of Rome, and who are “ not ^a.” This test is certainly simple enough, in more senses than one. Let us, before we enter on the examination of Dr. W.’s proofs, dwell a little on the doctrine of the Fathers concerning this point.

There is every reason to believe, that Victor, bishop of Rome, excommunicated the Asiatic churches, in consequence of their refusal to adopt the Roman mode of celebrating Easter ^b. Did the church generally regard the churches of Asia as schismatical, because they were separated from the communion of the Roman see? Far from it: they remained in communion with all other churches.

Stephen, bishop of Rome, separated from his communion the African bishops in the time of Cyprian. What was the consequence? Cyprian and the Africans were not considered schismatics by any other part of the church. St. Firmilian, bishop of Cæsarea, even declares that Stephen of Rome himself was involved in schism by such unjust proceedings. “ How great a sin hast thou multiplied to thyself,” he says to Stephen, “ when thou hast divided thyself from so many churches! for thou hast cut thyself off: do not deceive thyself. For

^a Dublin Review, vol. vii. p. 163.

^b Fleury, Hist. Eccl. l. iv. n. 44.

he is truly a schismatic who apostatizes from the communion of ecclesiastical unity. For while you imagine that all may be separated from you ; you have only separated yourself from all . . . How diligently did Stephen obey the commands and salutary admonitions of the apostles, in preserving humbleness and meekness in the first place ! What could be more humble and meek, than to quarrel with so many bishops throughout the whole world ; to break peace with each by different sorts of discord, at one time with the eastern bishops (as we believe you know), at another with you who are in the south ? Whose deputation of bishops how patiently and gently did he receive, in not admitting them even to converse with him ; yea, was so mindful of love and charity, as to command all the brethren to refuse them not only peace and communion, but even shelter and entertainment ! Was this ‘ to keep the unity of the Spirit in the bond of peace,’ to cut himself off from the unity of charity, to alienate himself in all things from the brethren and with the fury of contumacious discord, to rebel against the sacraments and the faith^c ?” Such was

^c “ Peccatum verò quam magnum tibi exaggerasti, quando te a tot gregibus scidisti ? excidisti enim teipsum : noli te fallere. Siquidem ille est verè schismaticus, qui se a communione ecclesiasticæ unitatis apostatam fecerit. Dum enim putas omnes à te abstineri posse, solum te ab omnibus abstinuisti. . . Hæc apostoli mandata et monita salutaria, quam diligenter Stephanus implevit, humilitatem sensus et lenitatem primo in loco servans ! Quid

the doctrine held at that time. And the universal church has always regarded Cyprian as a saint, and the African bishops as orthodox, though they were cut off from the communion of the see of Rome.

Again, was St. Athanasius a schismatic, when Pope Liberius had signed his condemnation^d, and he was out of the communion of the see of Rome? And were the Arians united to the Catholic church when Liberius had united himself to them? Every one knows that the direct contrary was the case. In the time of Damasus, Paulinus, who had been irregularly constituted bishop of Antioch, in opposition to Meletius, was in communion with the see of Rome, and the orthodox Meletius was not in that communion. Nevertheless, he was in communion with all the eastern churches, who thus dis-

enim humiliter aut lenius quam cum tot episcopis per totum mundum dissensisse; pacem cum singulis vario discordiæ genere rumpentem, modo cum Orientalibus, (quod nec vos latere confidimus,) modo vobiscum, qui in meridie estis? A quibus legatos episcopos patienter satis et leniter suscepit, ut eos nec ad sermonem saltem colloquii communis admitteret: adhuc insuper dilectionis et caritatis memor, præciperet fraternitati universæ, ne quis eos in domum suam reciperet; ut venientibus non solum pax et communio, sed et tectum et hospitium negaretur. Hoc est servasse unitatem Spiritus in conjunctione pacis, abscindere se a caritatis unitate, et alienum se per omnia fratribus facere, et contra sacramentum et fidem, contumacis furore discordiæ rebellare?" Epist. Firmiliani apud Routh, Script. Eccl. Opuscula, p. 238, 239.

^d Fleury, Hist. Eccl. l. xiii. n. 46.

tinctly showed their belief, that non-communication with Rome was no sign of schism.

When Innocent I. refused to communicate with Atticus of Constantinople, and Theophilus of Alexandria, on account of the hard measure dealt to St. John Chrysostom, the whole eastern church still continued in the communion of those patriarchs, and therefore did not believe that it was necessary to communicate with Rome^e.

Acacius of Constantinople was excommunicated by Pope Felix; yet all the eastern churches remained in his communion, and were consequently not in communion with the Roman see for thirty-five years.

We have hitherto chiefly seen the sentiments of the eastern churches. We now come to some evidences of the doctrines held in the West. In 419 the general council of the African churches decreed, that "if any one should appeal" from the judgment of the African bishops, "to those beyond the seas, (that is, to Rome,) he should be received to communion by no one in Africa;" so that, they did not consider communion with Rome as any sign of union with the church^f. When Pope Vigilius, in

^e Ibid. l. xxii. n. 13.

^f "Quod si et ab eis provocandum putaverint, non provocent ad transmarina judicia, sed ad primates suarum provinciarum; sicut et de episcopis sæpe constitutum est. Ad transmarina autem qui putaverit appellandum, à nullo intra Africam ad communionem suscipiatur." Cod. Can. Eccles. African. can. xxviii. al. xxxi.

548, had condemned the three chapters, or certain writings of Theodorus, Ibas, and Theodoret, the bishops of Africa, of Illyricum, and Dalmatia, refused any longer to communicate with him^g; and soon after, the bishops of Africa assembled in council, and *excommunicated* Pope Vigilius^h. This shows pretty plainly the doctrine of the African church, as to the necessity of communion with the Roman see.

In the following century, the bishops of Britain and Ireland were regarded as schismatics by the Roman see, in consequence of their refusal to adopt the Roman mode of computing the time of Easter. They were nevertheless in communion with the western churches generally.

The sixth œcumenical synod pronounced anathema on Honorius, bishop of Rome, as a hereticⁱ. Did this synod believe then, that communion with the see of Rome was always essential? Did they hold themselves, and all the bishops who had refused to communicate with him, to be schismatics? In 833, when Pope Gregory IV. interfered in the

^g Fleury, l. xxxiii. n. 26.

^h "Post consulatum Basilii, v. c. anno x. Africani Antistites Vigilium Romanum Episcopum damnatorem III. capitulorum synodaliter à Catholica communione, reservato ei pœnitentiæ loco, recludunt." Victor Tununensis Chronicon, p. 10, ap. Scaliger, Thesaurus Temporum, ed. 1658. See Basnage, Hist. de l'Eglise, l. iv. c. 8; Fleury, l. xxxiii. n. 32.

ⁱ Actio xviii. Harduin, Concilia, t. iii. p. 1395—1402. See also Routh, Opuscula, t. ii. p. 507.

dispute between Louis le Débonnaire and his sons, and came into France with the intention, as it was said, of excommunicating the emperor and his adherents, the bishops of France informed the pope, that "they would not submit to his will, but, if he came to excommunicate, *he should return excommunicated himself*." They even threatened to depose him from his see; and the pope was so much alarmed, that he desisted from his purpose^k. These bishops certainly did not consider communion with the bishop of Rome an essential part of Catholic unity.

What was the conduct of the whole oriental church in the time of Pope Nicholas? Did they consider Photius a schismatic, because he was cut off from the communion of Rome? Did they not unite with him, even in excommunicating and deposing Pope Nicholas? And, to proceed further, when the Roman legate, Cardinal Humbert, had

J "Quum verò rumor usquequaque diffusus sereret de cæteris quod verum erat, de Papâ vero Romano, quod ideo adesset, ut tam Imperatorem quam episcopos excommunicationis vinculis irretire vellet . . . parum quid subripuit episcopis Imperatoris præsumptio audaciæ, asserentibus nullo modo se velle ejus voluntati succumbere. Sed si excommunicaturus adveniret, excommunicatus abiret." Vita Ludovici Pii apud Du Chesne, Hist. Franc. Script. t. ii. p. 309.

k "Insuper consiliabantur firmantes, præ dolor! quod eundem apostolicum, quia non vocatus venerat, deponere deberent . . . Quibus auditis, pontifex plurimum mirabatur, ac verebatur." Vita Walæ, Abb. Corbeins. l. ii. c. 16; Acta SS. Benedict t. v. p. 511. See Fleury, Hist. Eccl. l. xlvii. n. 38.

excommunicated Cerularius, patriarch of Constantinople, what was the conduct of the eastern churches? Did they not all continue to communicate with Cerularius and his successors, and have they not, in consequence, remained even to the present day excluded from the communion of Rome?

This is but a small portion of what might be said on the question before us. And yet, in the face of all these facts, which incontestably establish the belief of the Catholic church that communion with Rome is no essential sign of Catholic unity, and that non-communication with it is no necessary sign of schism;—in the face of all this, Dr. W. attempts to impute the very contrary doctrine to the Catholic church. Our author here utterly fails, as he has already on other points, in his attempt to convict us of schism.

Let me be permitted to put a few questions to this ingenious writer.

He asserts, that “according to the doctrine of “the ancient Fathers, it is easy at once to ascertain “who are the church Catholic, and who are in a “state of schism, by simply discovering who are in “communion with the see of Rome, and who are “not^m.” I now ask him, whether he himself believes, that whoever is not in communion with the see of Rome is necessarily a schismatic? If he replies in the affirmative, I then inquire again, whether he

^m Dublin Review, p. 163.

believes the bishop of Rome to be not merely infallible, but *impeccable*, incapable of ambition, of avarice, of injustice? Whether he believes that the Pope cannot, by possibility, demand what is not due to him, nor enforce unjust demands by excommunication? Dr. W. himself cannot maintain this. To do so, would be to expose himself to the ridicule of his own party, to transcend infinitely even the extravagance of Pighius himself. And yet, if he do not maintain this; if he admits that the Pope may possibly make an unjust demand, and support that demand by excommunication, he must confess, that individuals or churches may be separated from the Roman communion through the fault of Rome itself; and therefore that they cannot be schismatics.

I again inquire of Dr. Wiseman and his associates, whether they would themselves submit to any conceivable regulation on any point that the Roman Pontiff might enact, provided that such a regulation were enforced on pain of excommunication? Would they deem it right to submit to mandates destroying the liberties of their particular churches, infringing the canons, despoiling the clergy and laity of their spiritual and temporal rights, usurping the powers of the temporal government, or exciting tumults and insurrections? If they would not, then they must concede, that if churches are excommunicated by the Pope for refusing submission to such mandates, they do not

act sinfully; and therefore, that mere non-communication with Rome is no infallible criterion of schism.

Let us now turn to Dr. W.'s arguments. He observes, that communion was actively kept up in the primitive church by means of "epistolæ formatæ," or letters of communion, and that the holy see furnished the centre for this intercourse between the East and Westⁿ. We admit that it was so ordinarily, *i. e.* when the see of Rome was in communion with all the church; but not when that communion was interrupted. This fact then will not bear out Dr. W.'s assertion, that "communion with the see of Rome was *required* of all who wished to be considered within the pale of the Catholic church^o." Our author next proceeds to assert, that "it was not for the convenience of mutual intercourse, but for the necessity of ecclesiastical unity, that the chair of Peter and his successors had been made the centre, and received the headship of the universal church^p;" and, in proof of this, he cites the epistle of St. Ambrose to the emperors Gratian and Valentinian, written in the name of the council of Aquileia, in which he calls the imperial city, "the Roman church, head of the entire Roman empire . . . for from thence flow to all the rights of venerable communion^q." This passage merely states

ⁿ Dublin Review, p. 164.

^o Ibid.

^p Ibid.

^q "Totius orbis Romani caput Romanam ecclesiam . . . inde enim in omnes venerandæ communionis jura dimanant." Ambros. Epist. ii. ad Grat. et Valent.

the dignity of the Roman see, and the fact that it was the centre of communion. Certainly it was so at that time, for the whole church was in communion with Rome. But this could not be said, when the church became divided.

“ St. Optatus, however,” says Dr. W.^r, “ lays the greatest stress upon this point. Again and again,” (Dr. W. only cites one passage,) “ he presses the charge of schism upon the Donatists, because they are separated from the chair of Peter. Having proved that the Catholic or true church must be diffused over the entire world, he proceeds to point out more particular marks and ornaments whereby it may be more easily distinguished. The first of these is the cathedra or episcopal chair. By this, it is evident that he did not mean episcopacy in general, nor the succession of bishops validly ordained, as he allows the Donatists to have possessed them. He goes on therefore to explain his meaning, and apply it. ‘ We must see,’ he writes, ‘ who sat first upon the chair, and where. If you are ignorant, learn ; if you know it, blush ; you cannot be charged with ignorance, therefore you know it . . . therefore you cannot deny that you know, that in the city of Rome, the episcopal chair was bestowed on Peter first, on which sat Peter, the head of all the apostles, whence he was called Cephas ; in

^r Dublin Review, vol. vii. p. 164, 165.

“ which one chair unity was to be preserved by all,
 “ lest the rest of the apostles should stand up, each
 “ one for a separate church ; so that he should be
 “ a schismatic and a sinner who should set up
 “ against the one chair another *.”

On this passage Dr. Wiseman comments as follows :—“ St. Optatus well knew that there was a
 “ two-fold form of schism ; one by separation from
 “ the immediate bishop, who forms the first link
 “ with each one in the chain of unity, and the other
 “ consequent on it, by separation from the centre at
 “ which the various chains are joined together. For
 “ otherwise, what can be the meaning of his thus addressing
 “ Parmenianus ? ‘ Nec Cæcilianus recessit
 “ a cathedrâ Petri vel Cypriani, sed Majorinus cujus
 “ tu cathedram sedes†.’ What, we ask, is the
 “ meaning of these words, unless a schism in Africa,
 “ at Carthage, was considered a separation not
 “ only from the see of that city, in which Cyprian
 “ had sat, but also from that of Rome † ?”

* “ Videndum est quis et ubi prior cathedram sederit. Si ignoras disce : si nosti erubescere : ignorantia tibi ascribi non potest : restas ergo ut noveris. Igitur negare non potes, scire te in urbe Româ Petro primò cathedram episcopalem esse collatam, in quâ sederit omnium apostolorum caput Petrus, unde et Cephas appellatus est ; in quâ unâ cathedrâ, unitas ab omnibus servaretur, ne cæteri apostoli singulas sibi quisque defenderent, ut jam schismaticus et peccator esset, qui contra singularem cathedram, alteram collocaret.” Optatus de Schism. Donat. l. ii. c. 2. p. 31.

† Optatus, lib. i. c. 10.

‡ Dublin Review, p. 166.

I answer, that Optatus, in this last passage, means that the chair of Cyprian was that of Peter ; for, as Cyprian says, “ there is *one* episcopate, part of which is held by *each* bishop ” (episcopatus unus est, cujus à singulis in solidum pars tenetur); and this was *founded in Peter* ^v. If this passage then is to fix the meaning of the former, we shall look in vain for any notion of the see of Rome being the centre of unity to the whole church. The drift of St. Optatus’s remarks on the unity of the chair of Peter seems to be, first, that as St. Peter established a see, against which none of the apostles might establish a rival see at Rome, so it was unlawful for the Donatists to separate from the episcopal chair at Rome and at Carthage, and to constitute rival bishops there, in opposition to the legitimate successors of St. Peter in each of those sees. This would seem to be the tendency of this rather obscure passage ; but supposing that it *may* bear the interpretation which Dr. W. wishes to fix upon it, still a single passage, occurring too in the course of a controversy ^w, is not sufficient to render Dr. W.’s doctrine even probable, when we recollect

^v See Cyprian. Epist. xl. cited above, p. 4.

^w I would here remind Dr. W. of the observation of one of his own writers, Dr. Delahogue :—“ Non semper ad vivum urgenda sunt Patrum verba, et speciatim ubi adversus hæreticos disputant: vehemens enim cum adversariis contentio, inquit Theodoretus, Dialogo 3, quandoque facit ut modum excedant.” Delahogue, de Ecclesiâ Christi, p. 436.

that the practice of the church generally was entirely opposed to such a notion. If St. Optatus did really mean to argue with the Donatists, that they were schismatics because they were not in communion with the see of Rome, we may infer that St. Augustine did not attach any weight to such an argument ; for, in all his books against the Donatists, it is not to be found. And most certainly the whole African church in a century after the time of Augustine, declared that its sentiments were altogether different, by separating from the communion of Pope Vigilius, and excommunicating him as a heretic. But I proceed with Dr. W.

“ The learned father,” he says, “ having thus laid the foundation of his argument, proceeds to apply it to the Donatist controversy, in the following terms :— ‘ Therefore the one chair, which is the first of the properties (of the church), Peter filled the first, to whom succeeded Linus ; to Linus succeeded Clement . . . [here the saint enumerates all the pontiffs down to his time, then concludes,] to Damasus, Siricius, who is now in fellowship with us, with whom the entire world is joined with us in the society of one communion, through the intercourse of *Formatæ*. You give an account of the origin of your chair, you who wish to claim to be the holy church. ^x ”

^x “ Ergo cathedram unicam, quæ est prima de dotibus, sedit prior Petrus, cui successit Linus ; Lino successit Clemens . . . Damaso, Siricius, hodie qui noster est socius : cum quo nobiscum

In order to see the bearing of this argument, we must consider the state of the question. The Donatists, as we have seen, denied that the Catholic church existed except in their own communion. They rejected the ordinations of the Catholic church ; and appointed bishops at Rome and wherever else they could, under pretence that the episcopacy of all the world had become apostate. They maintained, as Parmenianus had done in the book to which Optatus was replying, that the cathedra or true apostolical and episcopal chair was with themselves alone. The question was then between the episcopacy of the whole Catholic church, and that of the Donatists ; and St. Optatus, therefore, contrasts the apostolical succession of the Roman see, as the representative of the Catholic episcopacy, with the modern and uncertain succession of the Donatists. It was certainly only reasonable to ask from those who pretended to be the whole Catholic church, some proof that the origin of their episcopacy was at least equal to that of their opponents.

But the case is widely different in the controversy between us and our brethren, the Romanists. The question in this case, is not whether the episcopacy of the whole Catholic church throughout the world on the one hand, or our own episcopacy on

totus orbis commercio formatarum, in unâ communionis societate concordat. Vestræ cathedræ originem reddite, qui vobis vultis sanctam ecclesiam vindicare." Optatus, lib. ii. c. 2. p. 31, 32.

the other, be truly apostolical. It is, whether our bishops in England and Ireland, or their Romish opponents in these countries, are possessed of the true apostolical succession. And this being the case, our opponents cannot allege the succession of the bishops of *Rome* in proof of the legitimacy of their own episcopacy; nor call on us to show an equally apostolic succession; because our immediate reply would be, that the succession of our English opponents stands on very different grounds from that of the bishops of Rome; that while we deny the former to be apostolical, we admit the latter to be so; and, in fine, that as we do not deny the apostolical succession of all bishops except our own, our opponents have no right to call on us for proof that there is the same immediate line of apostolic descent in our churches, which exists in those actually founded by the apostles.

Dr. W. says, that St. Augustine employs "the same argument from the succession in the "Roman see," in a rude poem or psalm which he composed for the use of the common people in Africa, and in which "he gives, as the principal "evidence against the Donatists, the succession of "bishops in the chair of Peter." How Dr. W. can prove that this succession is given "as the *principal evidence*," it would be hard to imagine, since the poem is full of other topics; and this subject is only

mentioned in *five* lines (out of about *two hundred and seventy*), which Dr. W. translates as follows :

" Come, brethren, if you wish to be engrafted in the vine.

" It grieves us to see you thus lie cut off.

" Number the priests in ("*ab*," *from*) the very chair of Peter,

" And see in that order of Fathers who succeeded the other.

" This is the rock which the proud gates of hell overcome not.*"

Dr. W. chooses to understand this of the see of St. Peter at Rome, and he has translated *ab* "*in*," to favour his view. But it seems to me probable, that St. Augustine here refers to the succession of the episcopacy in the church generally, and especially to that of the see of Carthage, which Optatus styles "the see of Cyprian or of Peter^a." His words, "see in that order of fathers who succeeded the "other," would seem to allude to the fact, that Cæcilianus was the successor of Mensurius and the other preceding bishops of Carthage; and where this legitimate succession is found, there, continues St. Augustine, is "the rock," &c., that is, the true church. Such appears to me to be the probable meaning of this passage; but, if Dr. W. be correct in his interpretation of it, St. Augustine could only have meant to employ it as a merely popular argument; for, in all his numerous writings against the Donatists, it is not repeated. And we therefore need not attach much weight to it, more especially

* Augustin. Opera, t. ix. p. i. ed. Benedict.

^a See above, p. 218.

as the whole body of African bishops in the very next century, who must have been much more intimately acquainted with St. Augustine's sentiments than Dr. W. can be, acted on principles so entirely opposed to those which are here attributed to that eminent father.

Our author next conducts us to the practice of the Catholic church, as furnishing additional proof, that communion with Rome was considered the test of unity. And, first, we have the old story of Satyrus, the brother of St. Ambrose, who, when cast upon a foreign shore, would not communicate with the bishop before he had ascertained that he "agreed with the Catholic bishops, that is, with the Roman church^b." Every one knows that this was in the time of heresy and schism, and that Satyrus only referred to the Roman church, because it was on the orthodox side with which he communicated, and he thus sought to ascertain whether the bishop of that region held the orthodox faith, and was in communion with the true church. It was on the same principle that the Emperor Theodosius made a law, A. D. 380, that those who held the same faith with Damasus, bishop of Rome, and *Peter of Alexandria*, should be entitled Catholic Christians^c, and, in the following year, commanded that the churches should be delivered to those who were in communion in Greece with Nectarius of Con-

^b Dublin Review, p. 168, 9.

^c Fleury, Hist. Eccl. l. xvii. n. 55.

stantinople, in Egypt with Timothy of Alexandria, in the East with Pelagius of Laodicea, and Diodore of Tarsus, in proconsular Asia with Amphilochius of Iconium, and Optimus of Antioch, &c.^d The object in all these cases was the same, *i. e.*, to test the orthodoxy of individuals, by the fact of their communion with others of undoubted orthodoxy.

Dr. W. refers to the case of S. Fulgentius, who, when about to proceed to the deserts of Thebais, was discouraged by the bishop Eulalius, because Egypt was at that time separated from the communion of the blessed Peter. "Thus we see," says Dr. W., "how, even in Egypt, communion with the see of Rome was at once a sufficient test of orthodoxy and participation in the communion of the Catholic church^e." He also cites the words of St. Jerome, on occasion of the schisms in Antioch. "Here the church (of Antioch) divided into three parts, strives to drag me, each to itself . . . In the mean time I cry out, if any one is joined to the chair of Peter, he is mine^f." In both these instances, the orthodoxy of various persons was tested by their communion with the bishops of Rome, because the bishops of Rome were recognised as orthodox *in fact*, and therefore those who were in their communion were also orthodox. But there was no notion of any invariable rule as to

^d Ibid. l. xviii. n. 9.

^e Dublin Review, p. 169.

^f Ibid. p. 170.

the necessity of communicating with Rome at all times.

We proceed with our author. "The council of Constantinople, under the patriarch Mennas, lays down this rule:—'We follow and obey the apostolic see; and those who are in communion with it, we hold in communion; those whom it condemns, we likewise condemn^s.'" We really cannot depend on the accuracy of Dr. W.'s citations. These are not the words of the synod: they are those of the patriarch Mennas^h, expressing his communion with the see of Rome, which was at that time the bulwark of orthodoxy against the Euty-chian heresy. In thus speaking, he meant not to assert, that communion with the see of Rome was at all times the test of orthodoxy, but that it was so at that moment.

Dr. W. next refers to a letter of John, patriarch of Constantinople, to Pope Homisdas, A. D. 557, in which he seeks for his communion, and anathematizes all the heresies formerly condemned by the Roman see and by the general synods; and promises for the future, "whoever are separated from the communion of the Catholic church, that is, who consent not in all things with the apostolic see, their names shall not be recited in the sacred mysteries." We are also referred to a formulary pre-

^s Ibid.

^h Labb. Concilia, t. v. col. 92.

scribed by Gregory the Great, for bishops returning from schism, in which they promise, "always to remain in the unity of the holy Catholic church, and the communion of the Roman pontiffs¹." These promises are of course to be understood with an *implied condition*, i. e., that the see of Rome should be itself orthodox, and in Catholic unity. Nothing further can be deduced from them.

Such, in a brief and condensed form, are the arguments which Dr. W. adduces from ecclesiastical history, in support of his theory, that communion with the see of Rome is the test of Catholic unity. An obscure passage from St. Optatus, a popular allusion from St. Augustine, and several references to Rome, as the centre of Catholic unity in times when we admit that it was so ! Is this sufficient even to raise a doubt in the mind, when the practice of the church generally for so many ages, as we have shown, was altogether opposed to such a notion ? That practice, in fact, almost amounts to a condemnation of Dr. W.'s doctrine, and very nearly establishes the contrary opinion which we maintain, as a point of Catholic tradition.

"We have now seen," says Dr. W. "the two grounds on which the ancient church mainly supported an accusation of schism ; the two rules which

¹ Dublin Review, p. 171.

“ it gave to the faithful, for deciding when they were to
“ continue in communion with a body of Christians,
“ however great, and however national, who claimed
“ their obedience or their communion. They had
“ not to perplex themselves with doctrinal points,
“ or controversial subtleties; they had simply to
“ ascertain; *first*, whether or no these were held in
“ communion by the rest of the church, that is, by
“ the aggregate of churches dispersed over the
“ world; and *secondly*, whether they adhered to
“ the apostolic Roman see. Wherever they found
“ these two conditions verified, there they were to
“ join themselves: wherever they existed not, there
“ was schism, and they were to have no part with
“ them that formed it. Now, let us apply these two
“ tests to the Anglican church. In our first article
“ above referred to, we proved that it can show no
“ communion with the rest of the Christian epi-
“ scopal world, even taking those criterions of that
“ communion which its own approved divines have
“ laid down. And as to the second condition, that
“ of communion with the Roman see, we think
“ there can be no hesitation what to decide, inas-
“ much as, by a formal act, the English church, in
“ 1534, disavowed all dependence upon it, and from
“ that moment ceased to communicate with it.
“ Certain it is, that *de facto*, that church has, since
“ that time, (excepting the reign of Mary) held no
“ unity or communication with Rome, or the rest
“ of the Catholic world... The Anglican church

“therefore *spontaneously* constituted itself in a “state of schism”¹.”

Why “*spontaneously*,” Dr. W.? Is the circumstance of our church being *de facto* out of the communion of Rome, any proof that it was a “spontaneous” act of hers? And do you admit, that a “spontaneous” act is necessary to constitute schism? If so, why do you dwell on the mere *de facto* absence of communion with Rome and other churches? We deny positively, that the cessation of communion was “spontaneous” or voluntary on the part of our churches, and challenge you to prove the contrary. We never refused communion to other churches, nor do we now refuse it. The cessation of communion is by their act, not ours. As to the separation between us and the see of Rome, it arose entirely from the angry feelings of the Roman pontiffs, on finding themselves divested of an usurped jurisdiction. We never rejected their communion. They themselves would not continue it, except on condition of our submission to their sway.

It has been already shown, that the mere circumstance of a national church not being actually in communion with some other parts of the Catholic church, does not infer schism on either side; and that communion with the see of Rome is no invariable test of Catholic unity². Consequently Dr. W. has entirely failed in his attempt to convict our

¹ Dublin Review, vol. vii. p. 171, 172.

² Sections xvi. and xvii.

churches of schism, and to justify Romanists for separating from their communion. We have shown that the Fathers never condemned any church, on account of a mere *de facto* division between it and other churches; and that they did not believe communion with the see of Rome to be at all times necessary to Catholic unity. We may therefore now conclude, that the churches of the Anglo-Catholic communion are altogether free from schism. I shall not follow Dr. W. through his proofs, that apostolical succession does not exist in schism¹. This principle I admit as fully as he does himself.

Dr. W. concludes his second article, by endeavouring to trace some further resemblances between the Donatists and the church of England.

1. He observes, that "in process of time there sprung up among the Donatists a high-church party, the most distinguished of whom seems to have been Tichonius." This writer proved, with great learning and acuteness, that the church of Christ must be universal, and the other Donatists ("the Faussetts and Shuttleworths of their day"^m), headed by Parmenianus, perceiving that such an admission was fatal to their cause, excommunicated him. There is no parallel between this and our case. The church of England has always, from the Reformation, believed in the existence of an universal church. She accounts for non-commu-

¹ Ibid. p. 172—175.

^m Ibid. p. 176.

nion between different branches of it, without excluding either from the fold of Christ. But Tichonius' admission of the universality of the church was perfectly fatal to the Donatists; for they refused to communicate with the church which was actually universal, denied its Christianity, rebaptized its members, re-ordained its ministers. If, therefore, the universal church was Christian, the Donatists were clearly schismaticalⁿ.

"2. The high-church divines in England maintain that the Irish and English Catholics are schismatics, because they 'separate themselves from the Anglican church, and make congregations contrary to their canonical bishops.' The answer to this assertion resolves itself into the inquiry, whether one is bound to prefer the communion of the universal church out of his own country, to that of bishops in it who are not in that communion . . . St. Augustine seems to have had no doubt on the subject. He observes, that Tichonius did not perceive the true consequence of his own principles." Dr. W. then cites the following passage:—"He did not see what as a consequence he should have seen, that those Christians in Africa belonged to the church spread over the whole world, who indeed were not connected with those who were separated from the communion and unity of that world, but

ⁿ See above, p. 181, 182.

“ were united by communion with the world itself.” On this passage our author observes, “ It is therefore our duty to preserve communion with the “ general Catholic church, rather than with the “ particular church of our country, *when that has “ separated itself from that communion* °.”

We most fully admit the truth of this conclusion ; and if Dr. W. could prove that the British church had ever “ *separated itself*” from the communion of “ the general catholic church,” like the Donatists ; or that we have ever *refused communion* to its members, or denied their sacraments, their episcopacy, their Christianity ; the separation of Romanists might be justified. But as I have before shown, the position of the Donatists was entirely different from ours ; nor could the ambition of the Roman see, and the exaggerated opinion of a portion of the western churches concerning the necessity of communion with that see, afford any excuse for those who separated in this country from their legitimate bishops.

“ 3. The writers in the Tracts for the Times, “ seeing how the argument which they make “ against English Catholics can be well retorted “ against French Protestants, are anxious not to “ introduce into the controversy at home, the question of foreign Catholics and separatists from “ them.” [Tract iv. p. 6. ‘ Neither do we desire to

° Dublin Review, p. 176, 177.

pass any sentence upon persons of other countries.]" Dr. W. sees the same sort of anxiety in Emeritus, a Donatist bishop, who said, at the conference of Carthage, "Your Excellency understands that nothing from strangers, nothing from persons living far off, can prejudice us, since this cause is between Africans.—Gesta Collat. Dies iii. n. 99 "ad calc. Op. S. Optati^p."

Dr. W. totally mistakes the design of Emeritus, which was not to avoid condemning the foreign Donatists, but to elude the authority of the universal church alleged by their opponents against the Donatists. To escape from this he pretends that the question was entirely African, and adds that, "it should rather be expected, that whoever was overcome in that truth-telling inquiry, would be rejected by the whole world^q." As to the case of the French Protestants whom Dr. W. refers to, it might be easily shown, that they did not voluntarily separate from their bishops as the Romanists of these countries did.

"4. The same Tracts consider the Catholic bishops as intruders because sent where there were already bishops in quiet and peaceable possession^r." I need scarcely attempt to deny the parallel in this

^p Ibid.

^q Gesta Collat. Carthag. Dies iii. p. 301. Opt. Opera, ed. Du Pin.

^r Dublin Review, ubi supra.

point; for Dr. W. admits^a that the *Catholics* made the very same charge against the Donatists.

5. The Donatists, according to Dr. W. had no objection to the title of *Africans*, or the *African church*, while they rejected that of Donatists. Their opponents, he says, gloried in bearing no other appellation but that of *Catholic*^t. Dr. W. will find that the church did not reject the appellation of *Africans*. "*Afrorum christianorum catholicorum hæc vox est: Nos universo orbi Christiano communionē cohæremus,*" says St. Augustine^u. "In like manner, the denomination Anglican is assumed by our high-churchmen, and we willingly accord it; at the same time, we repudiate any designation, save that of Catholic^v." Dr. W. may repudiate this name, but he is not supported by all the writers of his own church. Cardinal Hosius declares that "whoever will not be a Papist is a Satanist^w;" and considers the name of "Papist" as most highly honourable^x.

"6. In fine . . . the great body of the Donatists immediately treated the separatists (from them) as schismatics, and severely denounced against

^a 1bid.

^t Dublin Review, p. 178.

^u "This is the language of the African Catholic christians: We communicate with the whole christian world."

Gesta Collat. Carthag. Dies iii. n. c. p. 302. Oper. S. Opt.

^v Dublin Review, p. 178.

^w "Sathanistam libere pronunciat (Hieronymus) qui non vult esse Papista." Hosii Opera, t. i. p. 736.

^x See above, p. 200.

“them the penalties of schism, precisely as the “Tract-writers deal with dissenters from the Anglican church.” The Fathers retorted on the Donatists the arguments which they employed against the separatists, and Dr. W. observes that, “high-churchmen” “charge others with the mote of schism from a national church, seeing not the beam of schism from the universal church, which fearfully presses on their own cause.”

We again deny that our churches ever separated from the universal church, or even from the Roman church. We do not refuse their communion, rebaptize their members, or deny their christianity. The preconceived opinions of the Latin churches (rejected by the Eastern churches) have separated them from our communion. We are entirely free from schism. The fault rests with the bishops of Rome. Therefore the arguments of the Anglo-Catholic churches against dissenters cannot be retorted on themselves.

“There is one view of the apostolical succession, taken by the authors of the Tracts, which we most cordially admit, because conformable to the doctrine of antiquity. It is that explained in the fifty-fourth Tract, p. 4, in these words: ‘How had the right interpretation of scripture been preserved in each of those places?’ (Rome, Corinth, &c.) ‘By the succession of bishops,

7 Dublin Review, p. 178.

8 Ibid. p. 179.

“ each in turn, handing over to the bishop that followed him, what he had himself learned of his predecessor.’ Thus it appears that the apostolical succession, where it exists, is a guarantee to the faithful, that the same doctrine is taught which has been taught from the beginning. Now if we apply this test to the Anglican church, how certainly it must fail ! For it is as clear as noon-day, that the bishops, after the so-called Reformation, taught the doctrine *opposite* to that of their immediate predecessors ^a.”

I admit that in some points of doctrine our bishops after the Reformation differed from their immediate predecessors. So did the bishops of Africa in the time of Augustine, differ from their predecessors, in the time of Cyprian, on the question of heretical baptisms. So did the bishops of France and Germany at the time of the Reformation differ from their predecessors in the time of Charlemagne, concerning the veneration of images. And so did our bishops before the Reformation differ from their predecessors in former ages, on the doctrine of Transubstantiation, and on some other points. But notwithstanding these differences, the same deposit of Catholic truth was always handed down. The same creeds were always received ; and the same articles of faith revealed by Christ,

^a Dublin Review, p. 179, 180.

taught by the Apostles, and universally received in the Catholic church, always continued. The Church of England now believes all the articles of faith which the Catholic church believed before the Reformation, and rejects no doctrine which the Catholic church had defined to be matters of faith, or had always received as such. This we are prepared to prove in any point which may be selected by our adversaries.

SECTION XVIII.

THE ROMISH HIERARCHY IN ENGLAND AND IRELAND TESTED
BY DR. WISEMAN'S PRINCIPLES, AND PROVED TO BE DEVOID
OF APOSTOLICAL SUCCESSION AND JURISDICTION.

DR. WISEMAN, in the fervour of his zeal for the interests of the "mission" in these countries, has thought proper to "attack" the hierarchy of the Catholic church amongst us. He has no reason to complain, therefore, if we follow up the defence of our ordinations, by demonstrating that our adversaries themselves labour under the very defects and disabilities, which they venture to impute to us. I have already alluded more than once to this point; and I now undertake to show, that on principles

admitted by Dr. W. himself, the Romish priesthood in these countries is entirely devoid of apostolical succession, and that all the works of their ministry are entirely unprofitable and null.

Let us retrace our steps a little. Dr. Wiseman has maintained and proved, "that any appointment made to a bishopric even by valid consecration, which is at variance with the canons actually in force in the church, is unlawful, and leaves the bishop so appointed void of all jurisdiction and power; so that he is a usurper if he take possession of a see" (p. 37). He holds that "such bishops were not supposed to have ever possessed any jurisdiction from the beginning" (p. 39); and that "nullity of episcopal nomination was the necessary consequence of the violation of the canons in force" (p. 40). On these principles we take our stand.

In considering the ordinations of the popish party, we shall first examine those of Queen Mary's hierarchy; and secondly, those of the sects which separated from the churches of England and Ireland in the reign of Elizabeth.

(1.) According to the sacred canons, any ordination of a bishop performed without the consent of the metropolitan is null, and confers no apostolical succession. The sixth canon of the Nicene synod decrees, that "if any be made a bishop without the consent of his metropolitan, this great synod has determined that such a one ought not to be

bishop^a." The great council of Carthage in 419 resolved that "according to the ancient statutes, in case of necessity, three bishops by command of the primate (metropolitan), may appoint a bishop^b." The rule of the Nicene synod was also repeated by Pope Innocent I.^c, and by Pope Hilarus^d, and always remained in force in the Catholic church. Nevertheless the bishops appointed by Queen Mary were constituted without the consent of the metropolitans, Cranmer archbishop of Canterbury, and Holgate archbishop of York, and in manifest opposition to their will. Therefore all those bishops were illegitimately appointed, and were devoid of apostolical jurisdiction.

(2.) Pole and Heath, pretended archbishops of Canterbury and York, were usurpers and intruders into those sees, and as such were entirely incompetent to confirm the other bishops appointed by Queen Mary, or to perform any other spiritual acts whatsoever. Archbishop Cranmer had been accused of heresy, and was summoned to Rome by the bishop of that city, to plead his cause before his tribunal. The bishop of Rome was incompetent to take cognizance of the cause of an English metropolitan, inasmuch as any exercise of his juris-

^a Beveregii Synod. t. i. p. 66.

^b Codex African. can. xiii. Bevereg. i. 527.

^c Innocent. I. Epist. ad Victricium, Labb. Concilia, t. ii. col. 1250.

^d Hilar. Epist. ii. ad Ascanium, Labb. t. iv. col. 1035.

diction in England was contrary to the decrees of the œcumenical synods of Nice and Ephesus, which, as I have already shown, were in full force at this time. Archbishop Cranmer, therefore, was not bound to submit to any such citation; but, at all events, he was retained in prison by his persecutors in England, and during his unavoidable absence the Roman bishop seized the opportunity to pass a sentence of deposal against him. This sentence was doubly null; as being based on gross injustice, and as being issued by an incompetent authority; for the bishop of Rome had no jurisdiction over our churches, and he was also incompetent to judge in the cause. For the African synod in 419 commands "that one bishop do not assume to himself the final cognizance of any cause^e;" and in the synod of Constantinople A. D. 394, it was resolved on the motion of Theophilus, patriarch of Alexandria, that "for the future, a bishop be not brought to his trial, or deposed by three, much less by two bishops; but by a great synod, and that of the bishops of the province^f." Therefore the bishop of Rome was incompetent to judge or depose Archbishop Cranmer, and consequently Cranmer remained just as much metropolitan after his sentence, as he had been before; and Pole, who was appointed his successor during his life-time, was doubly a usurper; first, as occupying a see which

^e Codex Afric. can. cx. Bevereg. 644.

^f Labb. Conc. t. ii. col. 1153.

was a'ready full, and secondly, as possessing himself of that see by virtue of the papal authority which had been long since legitimately annulled in England, according to the precepts of the sacred canons and oecumenical synods.

(3.) Other bishops of Mary's hierarchy were translated to their sees by authority of the Roman pontiff; but such translations were contrary to the sacred canons, inasmuch as the see of Rome had no right to exercise any acts of jurisdiction whatever in England, and those who held sees by virtue of such acts were consequently mere intruders and usurpers.

(4.) According to the canons, a plenary synod of the province is only that in which the metropolitan is present^f. Eulalius, bishop of Syracuse, in the Roman synod, under Pope Symmachus, said, that "the Fathers have decreed, that whatever the bishops of any province shall attempt in a synod of their own, without the consent of the metropolitan, shall be null^g." If, therefore, it be alleged, that the English convocations in the reign of Mary assented to the introduction of the Roman jurisdiction, contrary to the canons, their acts were null and of no authority, being unsanctioned by the metropolitans Cranmer and Holgate. Independently of which, they consisted of usurping bishops, while the legitimate bishops were imprisoned or in exile.

^f Concil. Antioch. can. 16. Bevereg. i. 445.

^g Labb. Conc. t. iv. col. 1336.

(5.) According to the sixth canon of the second œcumenical synod, if any bishop be accused of crimes, the information must be first preferred before all the bishops of that province^h; and the council of Africa directs the accusation to be made to the primate or metropolitanⁱ. Therefore the proceedings against our bishops under Queen Mary, by means of packed commissions, consisting of a select number of bishops favourable to her views, were uncanonical and null; and, as our bishops therefore remained really invested with their former rights, the prelates who were appointed to their sees were usurpers, devoid of all spiritual powers.

II. We next turn to the case of the Romish bishops appointed to preside over the sects formed in England and Ireland in the reign of Elizabeth.

(1.) It is an undoubted historical fact, that the Romanists began to fall away from our Catholic churches, and to constitute themselves into a distinct community or sect, about the year 1570, that is, about forty years after the church of England had suppressed the papal usurpation, and had in consequence been separated from communion by the bishop of Rome. This act was entirely voluntary on the part of the Romanists. They refused any longer to obey their bishops, and departing

^h Bevereg. t. i. p. 23.

ⁱ Bevereg. t. i. p. 543.

from our communion, they established a rival worship^k. Now, let us hear the doctrine of the Fathers with reference to such separations. How does St. Cyprian prove that the Novatians are schismatics? "We did not depart from them," he says, "but *they departed from us*^l." And, in the same manner, St. Optatus proves the Donatists guilty of schism. "Cæcilianus did not go out from Majorinus, your predecessor, but Majorinus from Cæcilianus^m." In the same manner we convict the Romanists of schism. "We did not go out from you, but you went out from us. You continued in our communion till the eleventh year of Queen Elizabeth's reign, and then you separated yourselves from us, and became a sect." And, "let no one imagine," says St. Cyprian, "that good men can depart from the church: the wind scattereth not the wheat, nor doth the storm overthrow the tree supported by a solid root. Empty straws are tossed by the tempest; weak trees are prostrated by the fury of the whirlwind. Such as these are execrated and smote by John the apostle, saying, '*They went out from us, but they were not of us*'ⁿ." . . . Every such person ought to be shunned and avoided, who is separated from the church. He is perverse, and sinneth, and

^k See Treatise on the Church, part ii. c. ii. sect. xi.

^l Cyprianus de Unitate Ecclesiæ, p. 256, Oper. ed. Pamel.

^m Optatus de Schismate Donatist. lib. i. p. 10, ed. Du Pin.

ⁿ Cyprianus, ubi supra.

is condemned by his own self. Can he imagine himself to be with Christ, who opposes himself to the priests of Christ, who severs himself from the society of his clergy and people. He beareth arms against the church, he resists the appointment of God. An enemy of the altar, a rebel against the sacrifice of Christ; in faith perfidious, in religion sacrilegious, a disobedient servant, an impious son, a hostile brother, despising the bishops, and forsaking the priests of God, dares to constitute another altar, to offer another prayer with unlawful words, to profane the truth of the Lord's sacrifice by false sacrifices; nor deigns to know, that he who struggles against the ordinance of God, is punished for his audacious temerity by Divine vengeance^o. Such was the doctrine of the Fathers concerning those who separated from their legitimate bishops. "He who is without, that is, without the bishops, and the presbyters and the deacons, is not clean^p," said the holy Ignatius. Accordingly, the synod of Gangra, whose decrees are received by the universal church, declares, that, "if any person hold other assemblies privately beside the church, and, despising the church, will have ecclesiastical offices performed without a priest, constituted by consent of the bishop, let him be Anathema^q." The second

^o Ibid. p. 258.

^p Ignatius, Epist. ad Trall.

^q Beveregii Synod. t. i. p. 419.

œcumenical synod considered those persons as *heretics* "who pretend to confess the sound faith, but have made a schism, and gathered congregations in opposition to the canonical bishops[†]." This was the offence of the Romanists. They were involved in schism, and under excommunication, by the act of establishing a rival communion. And here we need nothing further than the admission of Dr. W. himself, who affirms and proves that the apostolical succession of the ministry cannot exist in a schism. Therefore the Romish hierarchy is devoid of all right to minister in sacred things.

(2.) We turn to the origin of their priesthood in Ireland. Creagh, who is styled "the great propagator or restorer of the Catholic faith" in Ireland, was ordained abroad, without the consent of his own bishop, for all the bishops of Ireland were in favour of the Reformation. By this ordination, he incurred suspension *ipso facto* by the canons. Nevertheless, he returned to Ireland, exercised his office, and induced the people to withdraw from the communion of the church[‡]. He thus incurred a two-fold irregularity or incapacity of being promoted to any higher ecclesiastical order; first, by ministering under suspension, and secondly, by becoming a schismatic. Thus circumstanced, he went to Rome,

[†] Beveregii Synod. t. i. p. 93.

[‡] Treatise on the Church, part ii. ch. ix. p. 556.

where the Pope consecrated him archbishop of Armagh. St. Leo the Great, as quoted by Dr. W. himself, says, that "such are not to be considered bishops, 'who are neither chosen by the clergy, nor desired by the people, nor consecrated by the bishops of the province'". This was exactly the position of Creagh. He was also an intruder, as the see of Armagh was already filled by the legitimate primate Loftus, and as he was appointed by the papal authority, prohibited by the canons then in force in Ireland. Consequently he was devoid of apostolical succession.

(3.) The other Romish bishops, who were constituted in the reigns of Elizabeth, James, and Charles, by the bishop of Rome, and sent into Ireland, were illegitimately ordained. First, because they were not canonically elected by the churches in Ireland; secondly, because they were not constituted with the consent of the metropolitans and provincial synods; thirdly, because they were usurpers of sees already filled; fourthly, because they were appointed by the papal authority, which was null and void by the canons then in force in these Catholic churches. Consequently, they possessed no share in the apostolical succession, and were not to be accounted bishops. In fine, by separating themselves from the legitimate bishops

^t See above, p. 38.

of Ireland, and ministering at rival altars, they were manifestly schismatics, and, as such, could not themselves possess apostolical jurisdiction or succession, or transmit the same to others. And hence, the Romish hierarchy in Ireland is altogether devoid of spiritual or apostolical mission and jurisdiction.

(4.) The council of Ancyra, A. D. 314, the canons of which were received by the universal church, decreed that, "if any who have been ordained bishops, but not received by the diocese to which they were appointed, shall invade other dioceses, and use violence against their bishops, exciting seditions against them, they be excommunicated". Therefore, those persons who style themselves "Vicars Apostolic" in England, being ordained to churches "in partibus infidelium," oppose themselves to the sacred canons, when they presume to come into our dioceses, and to excite seditions against the legitimate bishops. According to the canons, all the ordinations and other acts performed by these foreign bishops are null. The synod of Antioch speaks thus: "Let no bishop dare to pass from one province to another, and to ordain any to the sacred ministry in the churches, even though some persons may seem to consent to it, unless he be invited by the letters of the metropolitan and the other bishops . . . But if, uncalled, he proceeds irregularly to ordain,

^u Beveregii Synod. t. i. p. 394.

and to regulate ecclesiastical affairs which do not belong to him; *let whatsoever he performs be null*, and he himself suffer punishment for his irregularity and irrational audacity, as being forthwith *deposed* by this holy council^v." The apostolical canons decree, that "if a bishop be convicted" of ordaining in cities and villages not subject to him, "without consent of those to whom such places belong, let him, and those whom he has ordained, *be deposed*"^w." The second œcumenical synod also forbade all bishops to "go out of their diocese to churches out of their bounds"^x."

Hence, it is evident, that the so-called "Vicars Apostolic" are subject to deposition by the canons, for presuming to interfere in the concerns of our churches. If they have any right to exercise jurisdiction amongst the infidels where their churches are supposed to exist, they certainly can have none in these countries, where all the sees are possessed by Catholic bishops. But the truth is, that they are not bishops at all. As schismatics, as separatists from their legitimate bishops, as having been ordained priests without the consent of those bishops, and in opposition to their authority, they were irregular, and incapable of being promoted to the episcopate; and being thus ordained, in violation of the sacred canons, they are entirely devoid of aposto-

^v Bevereg. t. i. p. 443.

^w Bevereg. t. i. p. 24.

^x Bevereg. p. 87.

lical jurisdiction. But there is another most serious defect in their ordination, and in that of the Romish episcopacy in Ireland, which merits attention.

(5.) According to the canons of the universal church, a bishop cannot be ordained by less than three or two bishops. The apostolical canons (can. i.) speak thus : " Let a bishop be ordained by two or three bishops^y." The synod of Nice requires a bishop " to be constituted by all the bishops of the province ; but, if this be not practicable, by reason of urgent necessity, or the length of the way, *three* must by all means meet together^z." The synod of Africa (can. liii.) enforced the same rule^a, and it has always been in force in the Catholic church. Episcopal ordinations performed by one bishop have been always regarded as perfectly uncanonical ; and Roman theologians themselves consider such ordinations as of very questionable validity, and most probably null and void. Thus, Tournely, doctor of the Sorbonne, proves at great length that " apostolical tradition, and the constant practice of the church, instruct us, that in the consecration of a bishop, several assisting bishops must be employed ; and it seems most probable, that any ordination performed except by three, or at least two (bishops) is not merely unlawful, but even null and void^b."

^y Beveregii Synod. t. i. p. 1.

^z Bevereg. t. i. p. 63.

^a Bevereg. t. i. p. 576.

^b Tournely, Tractatus de Ordine, p. 453.

Alphonso de Ligorio observes, that the opposite opinions as to the necessity of a plurality of bishops to the validity of an episcopal ordination, are both probable. "Therefore, in practice," he adds, "the first opinion (which maintains the necessity) is to be altogether followed . . . We are certainly bound in the ordination of a bishop to take the safer part, to avoid a general injury; for otherwise, priests ordained by this bishop would remain doubtfully ordained." Hence it appears, that even in the Roman church it remains a matter of doubt whether bishops consecrated by *one* bishop only, receive any ordination at all, or are capable of ordaining others. No one, however, doubts that such ordinations are in the highest degree irregular, and contrary to the canons in force in the universal church. And yet it is certain, that many of the Romish hierarchy in Ireland and England have been thus ordained. It is stated by the pseudo-bishop Burke, of Ossory, that the bulls of his brethren in Ireland generally contained a clause, authorizing them to receive ordination from any bishop they pleased, with the assistance of two priests *instead of bishops*^d. And it appears, that the only reason assigned for this violation of the canons was the personal convenience of the individual who was to be ordained. The words of the bull were as follows :—"We, kindly wishing

^c Ligorio, *Theologia Moralis*, lib. iv. c. 2. art. 755.

^d Burke, *Hibernia Dominicana*, p. 503, 509.

to favour you in every thing *that can increase your convenience*, by the tenor of these presents, have granted you full and free licence," &c.^e No case of *necessity* is supposed to justify this irregularity: it is purely a matter of convenience; and this convenience was supposed to dispense with all those canons which require the ordination of bishops to be performed by the metropolitan and provincial bishops, and by not fewer than three, or at least two bishops. Such dispensations, as being given on totally insufficient grounds, were null and void in themselves; and they were also null, as proceeding from incompetent authority, inasmuch as the bishop of Rome's jurisdiction in these countries had been long before annulled by the sacred canons. And hence, it is evident, that the ordinations of the Romish hierarchy in England and Ireland (during the whole of the last century at least) were altogether illegitimate, contrary to the sacred canons, and incapable of transmitting the apostolical succession; if, indeed, they were not entirely null and void.

(6.) We have shown that Romanists, as being involved in schism, are irregular and incapable of being promoted to holy orders. They allege that they cannot be schismatics because they have been admitted to communion by some bishops of foreign

^e Ibid. Plowden's Historical Letter to Dr. C. O'Connor, Append. p. 122.

churches. Let us see how far this fact will assist them. The fifth canon of Antioch enjoins that, "if any priest or deacon, despising his bishop, separate from the church, and hold a private assembly, and fix an altar, and disobey the first and second warning of his bishop, let him be *finally deposed*, and have no further remedy, and not be again admitted to his honour^f." This was exactly the conduct of the founders of the Romish schism in these countries. They despised their bishops, and established a rival worship; and, according to this canon, such persons were to be deposed and to be incapable of restoration. But we proceed; the next canon of the same synod says, "If any one be excommunicated by his own bishop, let him not be received by any but his own bishop, till there be a synod^g," &c. If then it was unlawful for any one excommunicated by his bishop to be received by other bishops, how much more unlawful was it for them to receive voluntary separatists like the Romanists of these countries! The fathers of the African synod, at the suggestion of St. Augustine, declared that "the bishop or priest who receives to communion those who for their crimes have been cast out of the church should be considered as guilty of the same crime^h."

If these Romanists have been admitted to com-

^f Bevereg. t. i. p. 436.

^g Ibid. p. 437.

^h Ibid. p. 523.

munion by some foreign bishops, we have only to say, that those bishops have in fact transgressed the canons, while they imagined that they were acting in accordance with them. We however do not wish to judge their case with severity, as we are aware of the opinion so commonly prevalent amongst them, of the necessity of communion with Rome. While this opinion (which, however erroneous, is not actually heretical and opposed to the Christian faith) remains amongst them, they must continue to transgress the canons, and to do injustice to our churches. But their case is altogether different from that of the Romish sect, which has directly separated itself from our churches, and established a rival worship and ministry amongst us. Ignorance and prejudice, which may afford an excuse for the proceedings of foreign churches, can scarcely be pleaded in the case of those communities which amidst the fullest light and discussion still persist in their separation from the Catholic church in these realms. But I do not mean in this place to produce all the arguments which may be alleged in proof of the schismatical character of the Romish community amongst us. What has been said, is sufficient for my purpose, which is to show, that their hierarchy is altogether destitute of apostolical succession and jurisdiction ; that the works of their ministry are altogether unprofitable ; that all who communicate with them are involved in schism ; and that the lawful and apostolical admi-

nistration of the sacraments, and of all other parts of the sacred ministry, can only be found amongst the legitimate and Catholic hierarchy of these realms; the only representatives and spiritual descendants of that episcopacy which has flourished amongst us for seventeen centuries; the only successors of Anselm and Grosteste, of Edmund and Theodore, of Patrick and Augustine, and of the HOLY APOSTLES.

THE END.

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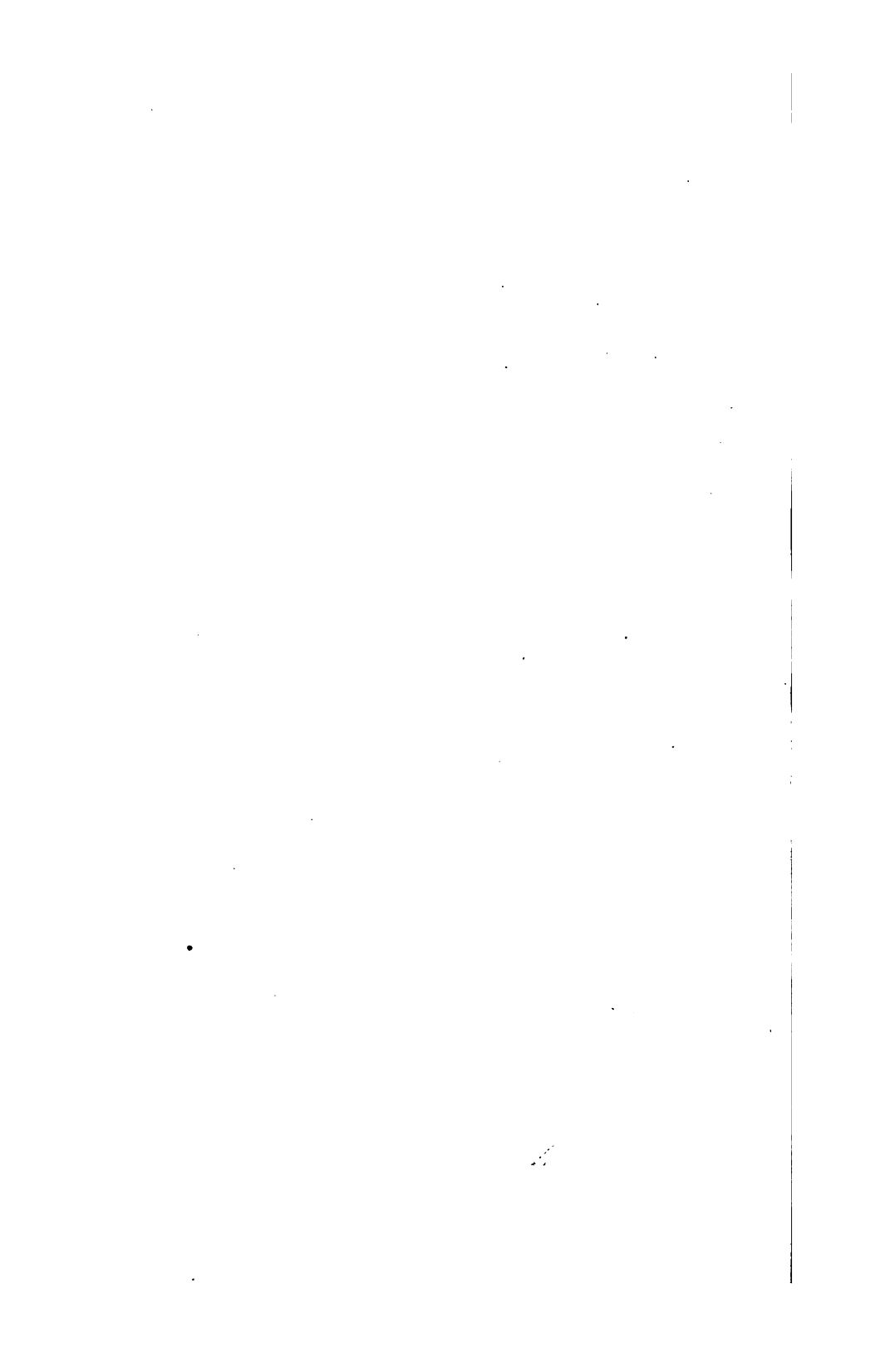
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